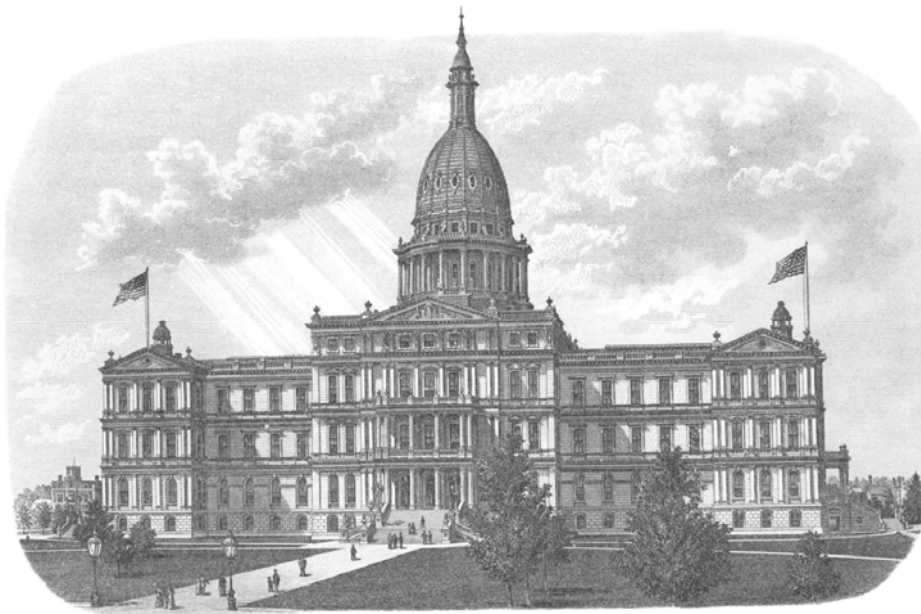


# Michigan Register

Issue No. 17 – 2013 (Published October 1, 2013)



# GRAPHIC IMAGES IN THE MICHIGAN REGISTER

## COVER DRAWING

### *Michigan State Capitol:*

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

## PAGE GRAPHICS

### *Capitol Dome:*

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19<sup>th</sup> century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

### *East Elevation of the Michigan State Capitol:*

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

# Michigan Register

Published pursuant to § 24.208 of  
The Michigan Compiled Laws



Issue No. 17— 2013

(This issue, published October 1, 2013, contains  
documents filed from September 1, 2013 to September 15, 2013)

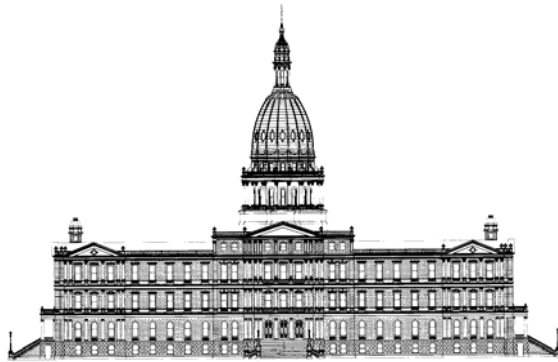
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**Office of Regulatory Reinvention**

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**Steve Arwood**, Director, Office of Regulatory Reinvention; **Deidre O’Berry**, Administrative Rules Specialist for Operations and Publications.

**Rick Snyder, Governor**



**Brian Calley, Lieutenant Governor**

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## PREFACE

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### PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

**24.208 Michigan register; publication; cumulative index; contents; public subscription; fee; synopsis of proposed rule or guideline; transmitting copies to office of regulatory reform.**

Sec. 8.

(1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
  - (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
  - (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
  - (d) Proposed administrative rules.
  - (e) Notices of public hearings on proposed administrative rules.
  - (f) Administrative rules filed with the secretary of state.
  - (g) Emergency rules filed with the secretary of state.
  - (h) Notice of proposed and adopted agency guidelines.
  - (i) Other official information considered necessary or appropriate by the office of regulatory reform.
  - (j) Attorney general opinions.
  - (k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.
- (2) The office of regulatory reform shall publish a cumulative index for the Michigan register.
- (3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.
- (4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.
- (5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

**4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.**

Sec. 203.

- (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.
- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

**CITATION TO THE MICHIGAN REGISTER**

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

**CLOSING DATES AND PUBLICATION SCHEDULE**

The deadlines for submitting documents to the Office of Regulatory Reinvention for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reinvention is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reinvention, Romney Building – Fourth Floor, 111 S. Capitol Avenue, Lansing, MI 48933

### **RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE**

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

### **SUBSCRIPTIONS AND DISTRIBUTION**

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: Office of Regulatory Reinvention, Romney Building – Fourth Floor, 111 S. Capitol Avenue, Lansing, MI 48933. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reinvention (517) 335-8658.

### **INTERNET ACCESS**

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reinvention: [www.michigan.gov/orr](http://www.michigan.gov/orr).

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reinvention Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Steve Arwood, Director  
Office of Regulatory Reinvention



## 2013 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2013	February 1, 2013
2	February 1, 2013	February 15, 2013
3	February 15, 2013	March 1, 2013
4	March 1, 2013	March 15, 2013
5	March 15, 2013	April 1, 2013
6	April 1, 2013	April 15, 2013
7	April 15, 2013	May 1, 2013
8	May 1, 2013	May 15, 2013
9	May 15, 2013	June 1, 2013
10	June 1, 2013	June 15, 2013
11	June 15, 2013	July 1, 2013
12	July 1, 2013	July 15, 2013
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15	August 15, 2013	September 1, 2013
16	September 1, 2013	September 15, 2013
17	September 15, 2013	October 1, 2013
18	October 1, 2013	October 15, 2013
19	October 15, 2013	November 1, 2013
20	November 1, 2013	November 15, 2013
21	November 15, 2013	December 1, 2013
22	December 1, 2013	December 15, 2013
23	December 15, 2013	January 1, 2014
24	January 1, 2014	January 15, 2014

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**ADMINISTRATIVE RULES  
FILED WITH THE SECRETARY OF STATE**

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*MCL 24.208 states in part:*

*“Sec. 8. (1) The Office of Regulatory Reinvention shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\*       \*       \*

*(f) Administrative rules filed with the secretary of state.”*

---

**ADMINISTRATIVE RULES**

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DEPARTMENT OF AGRICULTURE

ANIMAL INDUSTRY DIVISION

ANIMAL INDUSTRY

Filed with the Secretary of State on September 6, 2013

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 34, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of agriculture by section 45 of Act No. 466 of the Public Acts of 1988, as amended, being S287.745 of the Michigan Compiled Laws)

R 287.710 of the Michigan Administrative Code is rescinded from the Code as follows:

R 287.710 Rescinded.

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**PROPOSED ADMINISTRATIVE RULES,  
NOTICES OF PUBLIC HEARINGS**

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*MCL 24.242(3) states in part:*

*“... the agency shall submit a copy of the notice of public hearing to the Office of Regulatory Reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the Office of Regulatory Reform.”*

*MCL 24.208 states in part:*

*“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\*       \*       \*

*(d) Proposed administrative rules.*

*(e) Notices of public hearings on proposed administrative rules.”*

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**PROPOSED ADMINISTRATIVE RULES**

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**DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH LICENSING AND  
REGULATORY AFFAIRS**

**DIRECTOR'S OFFICE**

**CONSTRUCTION CODE**

Proposed Draft June 7, 2013

Filed with the Secretary of State on

These rules take effect 120 days after filing with the Secretary of State

(By authority conferred on the director of the department of ~~energy, labor and economic growth~~ **licensing and regulatory affairs** by section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, ~~and 2008-204~~ **and 2011-4**, MCL 445.2011, ~~and 445.2025 and 445.2030~~)

R 408.30551, R 408.30552, R 408.30556, R 408.30560, R 408.30561, R 408.30563, R 408.30564, R 408.30566, R 408.30568, R 408.30569, R 408.30570, R 408.30572, R 408.30573, R 408.30574, R 408.30575, R 408.30576 and R 408.30577 of the Michigan Administrative Code are amended and R 408.30565a is added to read as follows:

**REHABILITATION CODE**

R 408.30551 Applicable code.

Rule 551. The international existing building code, ~~2009~~**2012** edition, including appendix A and resource A, hereinafter referred to as "the code," is adopted by reference, as provided in MCL 24.232, as the "Michigan rehabilitation code for existing buildings" with the exception of sections 104.8, 108.2 to 108.6, 114.3, ~~605.1-1705.1.1~~ **to 705.2605.2, 806.2706.2, 806.3706.3 and 1105.15** and Appendix B **and C**, and as otherwise noted in these rules. The international existing building code, ~~2009~~**2012** edition is available for inspection at the Okemos office of the Michigan Department of ~~Energy, Labor and Economic Growth~~ **Licensing and Regulatory Affairs**, Bureau of Construction Codes, **2501 Woodlake Circle, Okemos, Michigan 48864**, or from International Code Council, 500 New Jersey Avenue, N.W., 6<sup>th</sup> Floor, Washington, D.C. 20001, at a cost as of the time of adoption of these rules of ~~\$66.00~~**76.00**.

R 408.30552 References to international codes.

Rule 552. All references to the code, ~~international~~**national** electrical code, international energy code, **international building code**, international residential code, international mechanical code, and international plumbing code in the international existing building code shall mean the Michigan building code, Michigan electrical code, Michigan uniform energy code, Michigan residential code, Michigan mechanical code and Michigan plumbing code, respectively.

R 408.30556 Elevators.

Rule 556. Section ~~902.1.2802.1.2~~ of the code is amended as follows:

**902.1.2802.1.2.** Elevators. Where there is an elevator or elevators for public use, at least 1 elevator serving the work area shall comply with this section. Existing elevators with a travel distance of 25 feet (7620 mm) or more above or below the main floor or other level of a building and intended to serve the needs of emergency personnel for fire fighting or rescue purposes shall be provided with emergency operation in accordance with the Michigan elevator code. New elevators shall be provided with phase I emergency recall operation and phase II emergency in-car operation in accordance with the Michigan elevator code.

R 408.30560 Annual permit.

Rule 560. Sections 105.1.1, 105.1.2, and 105.2 of the code are amended as follows:

105.1.1. Annual permit. In place of an individual permit for each alteration to an already approved electrical, gas, mechanical, or plumbing installation, the enforcing agency is authorized to issue an annual permit upon application to any person, firm, or corporation. The applicant shall be licensed in accordance with the requirements of **the electrical administrative act**, 1956 PA 217, MCL 338.881 to 338.892; **Forbes mechanical contractors act**, 1984 PA 192, MCL 338.971 to 338.988; or **state plumbing act**, 2002 PA 733, MCL 338.3511 to 338.3569.

105.1.2. Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under an annual permit. Access to the records shall be provided at all times and the records shall be filed with the enforcing agency.

105.2. Work exempt from permit. Exemptions from permit requirements of the code shall not be deemed to grant authorization for any work to be done in any manner in violation of the code or any other laws or ordinances of this jurisdiction. Permits shall not be required for any of the following:

(a) Building permits shall not be required for any of the following:

(i) One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11.15m<sup>2</sup>).

(ii) A fence that is not more than ~~6-7~~feet (~~1-8292~~ **134** mm) high.

(iii) Oil derricks.

(iv) A retaining wall that is not more than 4 feet (1 219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding class I, II, or III-A liquids.

(v) A water tank supported directly ~~upon~~**on** grade if the capacity is not ~~more~~**greater** than 5,000 gallons (~~18-927 L~~)(**18 925 L**) and the ratio of height to diameter or width is not greater than 2 to 1.

(vi) A sidewalk ~~or~~**and** driveway ~~that~~ is not more than 30 inches (762 mm) above **adjacent** grade and ~~is not over any basement or story below and which~~ are not part of an accessible route.

(vii) Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.

(viii) Temporary motion picture, television, and theater stage sets and scenery.

(ix) Prefabricated swimming pools accessory to a group R-3 occupancy, as applicable in section 101.2, ~~which~~**that** are less than 24 inches (610 mm) deep, ~~do~~**are** not ~~exceed~~**greater than** 5,000 gallons (~~18-927 L~~)(**18 925 L**) and are installed entirely above ground.

(x) Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.

(xi) Swings and other playground equipment accessory to **detached** 1- and 2-family dwellings.

(xii) ~~Window awnings supported by an exterior wall which do not project more than 54 inches (1 372 mm) from the exterior wall and do not require additional support of group R-3,~~ **Window awnings in group R-3 and U occupancies, supported by an exterior wall that do not project more than 54**



**inches (1 372 mm) from the exterior wall and do not require additional support**, as applicable in section 101.2 and ~~group U occupancies.~~

~~(xiii) Movable cases, counters, and partitions~~ **Nonfixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches (1 753 mm) in height.**

(b) Electrical permits shall not be required, as in accordance with the Michigan electrical code, R 408.30801 to R 408.30880, for any of the following:

(i) Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

(ii) Radio and television transmitting stations: The provisions of the code do not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply and to the installation of towers and antennas.

(iii) Temporary testing systems: A permit ~~is not~~ **shall not be** required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

(c) Mechanical permits shall not be required for any of the following:

(i) A portable ~~gas~~-heating **or gas** appliance that has inputs of less than 30,000 Btu's per hour.

(ii) Portable ventilation appliances and equipment.

(iii) **A** Portable cooling unit.

(iv) Steam, hot water, or chilled water piping within any heating or cooling equipment or appliances regulated by ~~this~~ **the** code.

(v) The replacement of any minor part that does not alter the approval of equipment or an appliance or make such equipment or appliance unsafe.

(vi) A portable evaporative cooler.

(vii) Self-contained refrigeration systems that contain 10 pounds (4.5 kg) or less of refrigerant, or that are actuated by motors of 1 horsepower (0.75 kW) or less.

(viii) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

~~(ix) A boiler or pressure vessel for which a permit is required by sections 17 and 18 of 1965 PA 290, MCL 408.767 and 408.768.~~

~~(x)~~ **(ix)** An oil burner that does not require connection to a flue, such as an oil stove and a heater equipped with a wick.

~~(xi)~~ **(x)** A portable gas burner that has inputs of less than 30,000 Btu's per hour.

(xii) When changing or relocating a gas meter or regulator, a permit is not required when installing gas piping which shall be limited to 10 feet (3005 mm) in length and not more than 6 fittings.

**(xi) When installing geothermal vertical closed loops under the supervision of a mechanical contractor licensed in HVAC as long as the company meets both the following:**

**(A) Has obtained a certificate of registration as a well drilling contractor pursuant to part 127 of the public health code.**

**(B) Has installed the geothermal vertical closed loops in accordance with the department of environmental quality best practices regarding geothermal heat pump closed loops.**

**Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in violation of the provisions of this code or other laws or ordinances of this jurisdiction.**

(d) Plumbing permits shall not be required for either of the following:

(i) The stopping of leaks in drains, water, soil, waste, or vent pipe. However, if any concealed trap, drainpipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the drain or pipe with new material, then the work is considered new work and a permit shall be obtained and inspection made as provided in the code.

(ii) The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, and the removal and reinstallation of water closets, if the repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

R 408.30561 Accessibility.

Rule 561. Sections ~~410.13~~~~40.1~~, ~~410.63~~~~40.6~~, ~~410.73~~~~40.7~~, ~~410.8.23~~~~40.8.2~~ and ~~410.8.33~~~~40.8.3~~ of the code are amended as follows:

~~310.1~~~~410.1~~. Scope. A building, facility, or element that has a change in use group or occupancy load or alteration shall comply in accordance with the requirements of **the utilization of public facilities by physically limited**, 1966 PA 1, MCL 125.1351 to 125.1356 and the Michigan building code, R 408.30401 to R ~~408.30499~~~~408.30547~~.

~~410.6.3~~~~40.6~~ Alterations. A building, facility, or element that is altered shall comply with the applicable provisions in chapter 11 of the **Michigan building code** and ICC/A117.1 listed in chapter ~~16~~~~45~~, unless technically infeasible. When compliance with this section is technically infeasible, then the alteration shall provide access to the maximum extent technically feasible.

Exceptions:

~~1. (1)~~ The altered element or space is not required to be on an accessible route, unless required by section ~~410.73~~~~40.7~~ of the code.

~~2. (2)~~ Accessible means of egress required by chapter 10 of the **Michigan building code** are not required to be provided in existing buildings and facilities.

~~3. (3)~~ Buildings, structures, or improved areas which exist on or before the effective date of these rules and which are in compliance with the code at the time of the issuance of the certificate of occupancy unless the alteration specifically modifies an area covered by sections ~~410.63~~~~40.6~~ to ~~410.83~~~~40.8~~ of the code.

~~4. (4)~~ The alteration to type A individually owned dwelling units within a group R-2 occupancy shall meet the ~~provision~~**provisions** for a type B dwelling unit and shall comply with the applicable provisions in chapter 11 **of the Michigan building code** and ICC/A 117.1 listed in chapter ~~16~~~~45~~.

~~410.7.3~~~~40.7~~ Alterations affecting an area containing a primary function. Where an alteration affects the accessibility to ~~a~~, or contains an area of, primary function, the route to the primary function area shall be accessible. The accessible route to the primary function area shall include toilet facilities or drinking fountains serving the area of primary function.

Exceptions:

~~1. (1)~~ This provision does not apply to alterations limited solely to windows, hardware, operating controls, electrical outlets, and signs.

~~2. (2)~~ This provision does not apply to alterations limited solely to mechanical systems, electrical systems, installation or alteration of fire protection systems, and abatement of hazardous materials.

~~3. (3)~~ This provision does not apply to alterations undertaken for the primary purpose of increasing the accessibility of an existing building, facility, or element.

**(4) This provision does not apply to altered areas limited to type B dwelling and sleeping units.**

~~410.8.2.3~~~~40.8.2~~ Elevators. Altered elements of existing elevators shall comply with the Michigan elevator code, R 408.7001 to R 408.8695. Such elements shall also be altered in elevators programmed to respond to the same hall call control as the altered elevator.

~~410.8.3.3~~~~40.8.3~~. Platform lifts. Platform (wheelchair) lifts complying with ICC/A 117.1 listed in chapter ~~16~~~~45~~, and installed in accordance with the Michigan elevator code, R 408.7001 to R 408.8695 shall be permitted as a component of an accessible route.

R 408.30563 Fire flow requirements.

Rule 563. Section ~~106.1.1.2~~**106.1.1** is added to the code to read as follows:

~~106.1.1.2~~**106.1.1.** Fire flow requirements. The application for permit shall be accompanied by an evaluation of the available fire flow at the building utilizing the existing fire hydrants on the site, public streets, and adjacent sites in accordance with the provisions of ~~section B-105 of appendix b~~ of the international fire code.

R 408.30564 Elevator control.

Rule 564. Section ~~1401.6.14~~**1301.6.14** of the code is amended as follows:

~~1401.6.14~~**1301.6.14** Elevator control. Evaluate the passenger elevator equipment and controls that are available to the fire department to reach all occupied floors. Elevator recall controls shall be provided in accordance with the Michigan elevator code, R 408.7001 to R 408.8695. Under the categories and occupancies in table ~~1301.6.14~~**1401.6.14**, determine the appropriate value and enter that value into table ~~1301.7~~**1401.7** under safety parameter ~~1301.6.14~~**1401.6.14**, elevator control, for fire safety, means of egress, and general safety. The values shall be zero for a single-story building.

**R 408.30565a Smoke alarm reference codes.**

**Rule 565a. Sections 402.5, 403.6, 804.4.3, and 1104.1 of the code are amended as follows:**

**402.5. Smoke alarms in existing portions of a building.** Where an addition is made to a building or structure of a group R or I-1 occupancy, the existing building shall be provided with smoke alarms in accordance with the Michigan building code.

**403.6. Smoke alarms.** Individual sleeping units and individual dwelling units in group R and I-1 occupancies shall be provided with smoke alarms in accordance with the Michigan building code.

**804.4.3. Smoke alarms.** Individual sleeping units and individual dwelling units in any work area in group R and I-1 occupancies shall be provided with smoke alarms in accordance with the Michigan building code.

**Exception:** Interconnection of smoke alarms outside of the work area shall not be required.

**1104.1. Smoke alarms in existing portions of a building.** Where an addition is made to a building or structure of a group R or I-1 occupancy, the existing building shall be provided with smoke alarms as required by the Michigan building code or the Michigan residential code as applicable.

R 408.30566 Smoke alarm locations.

Rule 566. Sections ~~401.4~~**501.4** and ~~401.5~~**501.4.1** are added to the code as follows:

~~401.4~~**501.4.** Smoke alarm locations in existing buildings constructed before November 6, 1974. Within each dwelling unit or sleeping unit, a single-station smoke alarm shall be installed in the following locations:

~~1.~~ **(1)** In each sleeping room or each area directly outside the sleeping room.

~~2.~~ **(2)** On each floor level including the basement level.

For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than 1 full story below the upper level.

~~401.5~~**501.4.1.** Equipment Requirements. The required equipment for smoke alarms consist of the following:

~~(1)~~ **(1)** Installation. Smoke alarm devices shall be listed and installed in accordance with the provisions of this code, the manufacturers installation requirements, and the provisions of NFPA 72 as listed in chapter ~~16~~**15**.

~~(2)~~2. Power Source. The equipment shall be operable by power from 1 of the following primary sources.

~~(a)~~a. The building wiring provided that such wiring is served from a commercial source and is equipped with a battery backup. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

~~(b)~~b. A non-rechargeable battery that is capable of operating the smoke alarm in the normal condition for a life of 5 years.

~~(c)~~c. A rechargeable battery, with proper charging, able to power the alarm for a life of 5 years and shall be automatically recharged by an AC circuit of the commercial light and power source.

~~(d)~~d. A household or commercial use alarm system with battery backup listed and approved in accordance with the household and commercial fire warning equipment provisions of NFPA 72, as adopted by reference in this rule.

~~(3)~~3. Audible Alarm Notification. The activation of the alarm signal shall produce a sound that is audible in all occupiable dwelling areas.

~~(4)~~4. Testing and Maintenance. The owner of a dwelling unit, in which required or optional fire detection or fire protection systems equipment is installed, shall be responsible for the proper operation, testing, and maintenance of the equipment in accordance with the manufacturer's instructions included with the equipment. The occupant of rental dwelling units shall be responsible for the periodic operational testing and periodic cleaning of the installed equipment within the rental unit in accordance with the testing instructions provided in the manufacturer's instructions for the equipment. If the system fails, breaks, or is out of service, it shall be repaired and functional within 30 days.

Exception: Smoke alarms and devices installed in buildings constructed before November 6, 1974 where an installation was approved by the appropriate enforcing agency under regulations in effect at the time of the installation shall be considered to comply with the provisions of the code.

R 408.30568 Altered area use and occupancy classification change.

Rule 568. ~~Section~~**Sections 110.1 and 110.2** of the code ~~is~~**are** amended as follows:

110.1. Altered area use and occupancy classification change. An altered area of a building shall not be used or occupied, and a change in the existing occupancy classification of a building or portion thereof shall not be made until the building official has issued a certificate of occupancy in accordance with the act. The issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of the other ordinances of the jurisdiction.

**110.2. Certificate issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department and all permit and plan review fees are paid, the building official shall issue a certificate of occupancy that contains all of the following:**

- (a) The building permit number.**
- (b) The address of the structure.**
- (c) A description of that portion of the structure for which the certificate is issued.**
- (d) A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.**
- (e) The name and signature of the building official or designee, registered in accordance with the building officials and inspectors registration act, 1986 PA 54, MCL 338.2301 to 338.2313.**
- (f) The edition of the code under which the permit was issued.**
- (g) The use and occupancy, in accordance with the provisions of the Michigan building code.**
- (h) The type of construction as defined in the Michigan building code.**

- (i) **The design occupant load.**
- (j) **If an automatic sprinkler system is provided, whether the sprinkler system is required.**
- (k) **Any special stipulations and conditions of the building permit.**

R 408.30569 ~~Minimum requirements.~~ **Michigan Uniform Energy Code Reference Codes.**

Rule 569. ~~Sections~~**Section 1005707.1, 811.1, 908.1, and 1106.1** of the code ~~is~~**are** amended as follows:

~~1005707.1. Minimum requirements. Accessibility provisions for new construction shall apply to additions. An addition that affects the accessibility to, or contains an area of, primary function shall comply with the requirements of section 310.~~**Minimum requirements. Level 1 alterations to existing buildings or structures are permitted without requiring the entire building or structure to comply with the energy requirements of the Michigan uniform energy code or Michigan residential code. The alterations shall conform to the energy requirements of the Michigan uniform energy code, parts 10 and 10a, as they relate to new construction only.**

**811.1. Minimum requirements. Level 2 alterations to existing buildings or structures are permitted without requiring the entire building or structure to comply with the energy requirements of the Michigan uniform energy code, parts 10 and 10a. The alterations shall conform to the energy requirements of the Michigan uniform energy code, parts 10 and 10a, as they relate to new construction only.**

**908.1. Minimum requirements. Level 3 alterations to existing buildings or structures are permitted without requiring the entire building or structure to comply with the energy requirements of the Michigan uniform energy code, parts 10 and 10a. The alterations shall conform to the energy requirements of the Michigan uniform energy code, parts 10 and 10a, as they relate to new construction only.**

**1106.1. Minimum requirements. Additions to existing buildings shall conform to the energy requirements of the Michigan uniform energy code, parts 10 and 10a, as they relate to new construction.**

R 408.30570 Board of appeals.

Rule 570. Sections 112.1 and 112.3 of the code are amended as follows:

112.1. Means of appeal. An interested person may appeal a decision of the enforcing agency to the board of appeals in accordance with the act. An application for appeal shall be based on a claim that the true intent of the code or the rules governing construction have been incorrectly interpreted, the provisions of the code do not apply, or an equal or better form of construction is proposed. The decision of a local board of appeals may be appealed to the construction code commission in accordance with the act and time frames.

Exception: Requests for barrier free design exception shall be in accordance with 1966 PA 1, MCL 125.1351 to 125.1356.

112.3. Qualification. The board of appeals shall consist of members who are qualified in accordance with the act **and are not employees of the governmental subdivision or the agency enforcing the code.**

R 408.30572 Stop work order.

Rule 572. Section 114.2 of the code is amended as follows:

114.2. Issuance. ~~Upon notice from the enforcing agency, work on any building or structure that has been done contrary to this code or in a dangerous and unsafe manner shall immediately cease.~~ Notice shall be in accordance with the act. A person who is served with a stop work order, except for work that

the person is directed to perform to remove a violation or unsafe condition, is subject to the penalty provisions prescribed in the act.

R 408.30573 Change of occupancy.

Rule 573. Section ~~410.4310.4~~ of the code is amended as follows:

~~410.4310.4.~~ Change of occupancy. Unless technically infeasible, sections ~~410.6310.5~~, ~~410.7310.6~~, ~~310.7~~, and ~~410.8310.8~~ of the code shall be applied in accordance with **the utilization of public facilities by physically limited**, 1966 PA 1, MCL 125.1351 to 125.1356.

R 408.30574 Accessibility.

Rule 574. Section ~~705.1605.1~~ of the code is amended as follows:

~~705.1.605.1~~ General. A building, facility, or element that is accessible shall remain accessible in accordance with the requirements of **the utilization of public facilities by physically limited**, 1966 PA 1, MCL 125.1351 to 125.1356, and the Michigan building code, R 408.30401 to ~~R 408.30499R~~ ~~408.30547~~.

R 408.30575 High-rise buildings.

Rule 575. Section ~~902.1802.1~~ of the code is amended as follows:

~~902.1.802.1~~ High-rise buildings. Any building having 1 or more occupied floors located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access shall comply with the requirements of sections ~~902.1.1802.1.1~~ and ~~902.1.2802.1.2~~.

Exception: The provisions of sections ~~902.1.1802.1.1~~ and ~~902.1.2802.1.2~~ shall apply to buildings having occupied floor levels more than 75 feet above the lowest level of fire department vehicle access where the local unit of government has complied with the provisions of section 403.1 of the Michigan building code, exception 6.

R 408.30576 Accessibility requirements.

Rule 576. Sections ~~1006.1906.1~~ and ~~1012.8912.8~~, and ~~1104.1~~ of the code are amended as follows:

~~1006.1.906.1~~ General. Accessibility in portions of buildings undergoing a change of occupancy classification shall comply with the provisions of section ~~410.4310.4~~.

~~1012.8.912.8~~ Accessibility. A building, facility, or element that has a change in use group or occupancy load or alteration shall comply with the requirements of **the utilization of public facilities by physically limited**, 1966 PA 1, MCL 125.1351 to 125.1356 and the Michigan building code, R 408.30401 to ~~R 408.30499547~~.

~~1104.1~~ Accessibility requirements. ~~The provisions of section 310 shall apply to buildings and facilities designated as historic structures that undergo alterations, unless technically infeasible. Where compliance with the requirements for accessible routes, ramps, entrances, or toilet facilities would threaten or destroy the historic significance of the building or facility, as determined by the code official, the alternative requirements of sections 1104.1.1 to 1104.1.4 for that element shall be permitted.~~

R 408.30577 Applicability.

Rule 577. Sections ~~806.1706.1~~ and ~~906.1806.1~~ are added to the code and ~~1401.21301.2~~ and ~~1401.2.51301.2.5~~ of the code are amended as follows:

~~806.1.706.1~~ General. A building, facility, or element that is altered shall comply with section ~~310.410~~.

~~906.1.806.1~~ General. A building, facility, or element that is altered shall comply with section ~~310.410~~.

~~1401.2.1301.2~~ Applicability. Structures existing before November 6, 1974, in which there is work involving additions, alterations, or changes of occupancy shall be made to conform to the requirements

of this chapter or the provisions of chapters ~~5-4~~ to ~~13-12~~ of the code. The provisions in sections ~~1401.2.1~~~~1301.2.1~~ to ~~1401.2.5~~~~1301.2.5~~ shall apply to existing occupancies that will continue to be, or are proposed to be, in groups A, B, E, F, M, R, and S. This rule shall not apply to buildings with occupancies in group H or I.

~~1401.2.5~~~~1301.2.5~~ Accessibility requirements. All portions of the buildings proposed for change of occupancy shall conform to the accessibility provisions of section ~~310.410~~.

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**NOTICE OF PUBLIC HEARING**

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
NOTICE OF PUBLIC HEARING

Michigan Rehabilitation Code for Existing Buildings (ORR# 2012-099 LR)  
Part 4. Michigan Building Code (ORR# 2012-100 LR)

The Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, will hold a public hearing on Thursday, October 24, 2013, at 9:00 a.m. in Conference Room 3, 2501 Woodlake Circle, Okemos, MI 48864. The Michigan Rehabilitation Code for Existing Buildings and the Building Code are proposed to be effective 120 days after filing with the Secretary of State.

The public hearing is being held to receive public comments on the proposed amendments to the administrative rules noted above. Testimony will be taken for each rule set in the order the rules are listed above. Individuals who are not present during testimony for a particular rule set will be provided an opportunity to testify after final testimony on the Building Code.

The proposed rehabilitation rules will adopt the 2012 International Existing Building Code with amendments, deletions, and additions deemed necessary for use in Michigan. The hearing is being conducted by the Department under the authority of Section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, 2008.4, and 2011-4, MCL 445.2011, 445.2025 and 445.2030.

The proposed building rules will adopt the 2012 International Building Code with amendments, deletions, and additions deemed necessary for use in Michigan. The hearing is being conducted by the Department under the authority of Section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, 2008.4, and 2011-4, MCL 445.2011, 445.2025 and 445.2030.

The proposed rules will be published in the October 1, 2013, *Michigan Register*. Copies of the proposed Michigan amendments to the Michigan Rehabilitation Code for Existing Buildings and the Building Code may be obtained for a fee of \$3.00 for each rule set by submitting a check or money order made payable to the State of Michigan at the address below. You may download a free copy of the proposed amendments by visiting the Bureau's website at [www.michigan.gov/bcc](http://www.michigan.gov/bcc). The amendments are located under "What's New" on the front page of the website.

Oral or written comments may be presented in person at the hearing on October 24, 2013, or submitted in writing by mail, email, or facsimile no later than 5:00 p.m., October 24, 2013, to the Bureau's contact information below. If your presentation at the public hearing is in written form, please provide a copy to the Rules Analyst at the conclusion of your testimony at the hearing.

Department of Licensing and Regulatory Affairs  
Bureau of Construction Codes  
Office of Administrative Services  
P.O. Box 30254



2013 MR 17 – October 1, 2013

Lansing, MI 48909  
Telephone (517) 241-6312  
Facsimile (517) 241-9570  
matsumotos@michigan.gov

The meeting site and parking are accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional services (such as materials in alternative format) in order to participate in the meeting should call Jessica Lightner at (517) 335-2972 (voice) at least 14 days prior to the hearing. LARA is an equal opportunity employer/program.

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**PROPOSED ADMINISTRATIVE RULES**

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**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**~~ENERGY, LABOR AND ECONOMIC GROWTH~~

**DIRECTOR'S OFFICE**

**CONSTRUCTION CODE**

Proposed Draft August 13, 2013

Filed with the Secretary of State on

These rules take effect 120 days after filing with the Secretary of State

(By authority conferred on the director of the department of **licensing and regulatory affairs**~~energy, labor, and economic growth~~ by section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, ~~and 2008-42008-20~~, and **2011-4**, MCL 445.2011, ~~and MCL 445.2025~~, and **445.2030**)

R 408.30401, R 408.30404, R 408.30409, R 408.30411, R 408.30412, R 408.30414, R 408.30415a, R 408.30418, R 408.30419, R 408.30420, R 408.30421, R 408.30427, R 408.30428, R 408.30429, R 408.30429a, R 408.30437, R 408.30442, R 408.30443, R 408.30446, R 408.30447, R 408.30449, R 408.30451c, R 408.30459 and R 408.30499 of the Michigan Administrative Code are amended and R 408.30403, R 408.30429b, R 408.30441, and R 408.30452 are added as follows:

**PART 4. BUILDING CODE**

R 408.30401 Applicable code.

Rule 401. The provisions of the international building code, ~~2012~~**2009** edition, including appendices F, G, and H, except for sections ~~102.2, 102.3, 104.8, 108.2 to 108.6, 109.2 to 109.6, 114.3, 415.6.2.2, 415.8.2.2 to 415.6.2.10, 415.8.2.9, 415.8.3, 415.6.3.1 to 415.6.3.5.2, 1024 to 1024.5, table 1608.2, 2902 to 2902.5, 2903.3, Table 2902.1, 3006.5, the definition of "agricultural building" in section 202, the definition of "recreational vehicle" in Appendix G, and, IECC-2009, 2012, ICC-EC, IEBC-2012, 2009, IMC-2012, 2009, IPC-2012, 2009, IPSDC-2012, 2009, NFPA 70-2011~~, listed in chapter 35, and the provisions of the international residential code, 2009 edition, including appendices A, B, C, D, E, F, G, J, K, M, N, O, and Q except for sections R103.2, R103.3, R104.8, R108.2, R108.3, R108.4, R108.5, R108.6, R313.1.1 to R313.2.1, N1101 to, N1104.1, tables N1101.2, N1102.1, R404.1(1), R404.1(2) and R404.1(3), sections M1411.6, P2503.9, P2709.2.3, P2904.1.1 to P2904.8.2, Table P2904.2.2, Tables P2904.6.2(1) to P2904.6.2(9), AJ102.4, and IBC-2009, ICC-EC-2009, IECC-2009, IMC-2009, IPC-2009, NFPA 70-2008 listed in chapter 44 govern the construction, alteration, relocation, demolition, use, and occupancy of buildings and structures, and, with exceptions noted, the international building code and the international residential code are adopted by reference in these rules. All references to the International Building Code, International Residential Code, International Energy Conservation

Code, ~~International~~ **National** Electrical Code, International Existing Building Code, International Mechanical Code, and International Plumbing Code mean the Michigan Building Code, Michigan Residential Code, Michigan Uniform Energy Code,

Michigan Electrical Code, Michigan Rehabilitation Code for Existing Buildings, Michigan Mechanical Code, and Michigan Plumbing Code respectively. The ~~code~~~~codes~~ **are**is available for inspection at the Okemos office of the Michigan Department of ~~Energy, Labor and Economic Growth~~ **Licensing and Regulatory Affairs**, Bureau of Construction Codes. The ~~code~~~~code~~ **may** be purchased from the International Code Council, 500 New Jersey Avenue, N.W., 6<sup>th</sup> Floor, Washington, D.C. 20001, or from the Michigan Department of ~~Energy, Labor and Economic Growth~~ **Licensing and Regulatory Affairs**, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, at a cost as of the time of adoption of these amendatory rules of \$~~120.00~~~~99.50~~ and \$~~81.50~~ respectively.

**R 408.30403 Residential group R-3.**

**Rule 403.** Sections 310.5 and 310.5.1 are amended and 903.2.8.3 is added to the code to read as follows:

**310.5. Residential group R-3.** Residential occupancies where the occupants are primarily permanent in nature and not classified as group R-1, R-2, R-4, or I, including any of the following:

(a) Adult foster care family homes or adult foster care small group homes licensed per the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, that provide accommodations for 6 or fewer persons receiving care.

(b) Buildings that do not contain more than 2 dwelling units.

(c) Boarding houses (nontransient) with 16 or fewer occupants. (d)

Boarding houses (transient) with 10 or fewer occupants.

(e) Congregate living facilities (nontransient) with 16 or fewer occupants. (f)

Congregate living facilities (transient) with 10 or fewer occupants.

(g) Foster family homes licensed under the child care organizations act, 1973 PA 116, MCL 722.112 to 722.127a, that provide care for not more than 4 minor children.

(h) Foster care family group homes licensed under the child care organizations act, 1973 PA 116, MCL 722.112 to 722.127a, that provide care for more than 4 but fewer than 7 minor children.

**310.5.1. Care facilities within a dwelling.** Care facilities that are located within a single-family dwelling may comply with the Michigan residential code if 1 of the following conditions is met:

(a) Adult foster care family homes or adult foster care small group homes for 6 or fewer persons receiving care that are within a single-family dwelling and licensed in accordance with the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.

(b) Family child care homes licensed under the child care organizations act, 1973 PA 116, MCL 722.112 to 722.127a, that provide care for fewer than 7 minor children.

(c) Group child care homes licensed under the child care organizations act, 1973 PA 116, MCL 722.112 to 722.127a, that provide care for more than 6 but not more than 12 minor children.

(d) Foster family homes licensed per the child care organizations act, 1973 PA 116, MCL 722.112 to 722.127a, that provide care for not more than 4 minor children.

(e) Foster care family group homes licensed per the child care organizations act, 1973 PA

**116, MCL 722.112 to 722.127a, that provide care for more than 4 but fewer than 7 minor children.**

**903.2.8.3. Child care organizations.** An automatic sprinkler system installed in accordance with section 903.3.1.3 shall be permitted in child care organizations that are within a single-family dwelling and licensed in accordance with the child care organizations act, 1973 PA 116, MCL 722.112 to 722.127a, as follows:

(a) Foster family homes licensed under the child care organizations act, 1973 PA 116, MCL 722.112 to 722.127a, that provide care for more than 4 but fewer than 7 minor children.

(b) Foster care family group homes licensed under the child care organizations act, 1973 PA 116, MCL 722.112 to 722.127a, that provide care for more than 4 but fewer than 7 minor children.

(c) Family child care homes licensed under the child care organizations act, 1973 PA 116, MCL 722.112 to 722.127a, that provide care for fewer than 7 minor children.

(d) Group child care homes licensed under the child care organizations act, 1973 PA 116, MCL 722.112 to 722.127a, that provide care for more than 6 but not more than 12 minor children.

R 408.30404 Duties and powers of building official.

Rule 404. ~~Section 104.6 and 104.9 of the code are~~ amended to read as follows:

~~104.6. Right of entry. In the discharge of duties, the code official may enter any building, structure, or premises in the jurisdiction to enforce the provisions of the act and the code.~~

104.9. Approved materials and equipment. Materials, equipment, and devices shall be constructed or installed in accordance with approvals granted under the act or by the building official. The building official shall review reports prepared by recognized evaluation services and determine if the intent of the code is met.

R 408.30409 Permit.

Rule 409. Sections 105.1.1, 105.1.2, and 105.2 of the code are amended to read as follows:

105.1.1. Annual permit. In place of an individual permit for each alteration to an already approved electrical, gas, mechanical, or plumbing installation, the enforcing agency is authorized to issue an annual permit upon application to any person, firm, or corporation. The applicant shall be licensed in accordance with the requirements of 1956 PA 217, MCL 338.881 to 338.892, 1984 PA 192, MCL 338.971 to 338.988, or 2002 PA 733, MCL 338.3511 to 338.3569.

105.1.2. Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under an annual permit. Access to the records shall be provided at all times and the records shall be filed with the enforcing agency.

105.2. Work exempt from permit. Exemptions from permit requirements of the code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the code or any other laws or ordinances of this jurisdiction. Permits shall not be required for any of the following:

(a) Building permits shall not be required for any of the following:

(i) One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m<sup>2</sup>).

(ii) A fence that is not more than 67 feet (1 829 mm) (2 134 mm) high. (iii)

Oil derricks.

(iv) A retaining wall that is not more than 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding class I, II or III-A liquids.

(v) A water tank supported directly ~~upon~~**on** grade if the capacity is not ~~more~~**greater** than 5,000 gallons ~~(18 927 L)~~**(18 925 L)** and the ratio of height to diameter or width is not greater than 2 to 1.

(vi) A sidewalk ~~or~~**and** driveway ~~that is not~~ more than 30 inches (762 mm) above **adjacent** grade and ~~is not over any basement or story below and which are not part of an accessible route.~~ (vii) Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.

(viii) Temporary motion picture, television, and theater stage sets and scenery.

(ix) Prefabricated swimming pools accessory to a group R-3 occupancy, as applicable in section 101.2, ~~that which~~ are less than 24 inches (610 mm) deep, ~~do are not exceed~~**greater than** 5,000 gallons ~~(18 927 L)~~**(18 925 L)**, and are installed entirely above ground.

(x) Shade cloth structures constructed for nursery or agricultural purposes, ~~and~~ not including service systems.

(xi) Swings and other playground equipment accessory to **detached** 1- and 2-family dwellings. (xii) ~~Window awnings supported by an exterior wall which do not project more than 54 inches (1 372 mm) from the exterior wall and do not require additional support of group R-3, Window awnings in group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1 372 mm) from the exterior wall and do not require additional support, as applicable in section 101.2 and group U occupancies.~~

(xiii) ~~Movable cases, counters, and partitions~~**Nonfixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches (1 753 mm) in height.**

(b) Electrical permits shall not be required, as in accordance with the Michigan electrical code, R 408.30801 to R 408.30880, for any of the following:

(i) Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

(ii) Radio and television transmitting stations: The provisions of the code do not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply and to the installation of towers and antennas.

(iii) Temporary testing systems: A permit is not required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

(c) Mechanical permits shall not be required for any of the following:

(i) A portable gas heating appliance that has inputs of less than 30,000 Btu's per hour. (ii)

Portable ventilation appliances and equipment.

(iii) Portable cooling unit.

(iv) Steam, hot water, or chilled water piping within any heating or cooling equipment or appliances regulated by this code.

(v) Replacement of any minor part that does not alter the approval of equipment or an appliance or make such equipment or appliance unsafe.

(vi) A portable evaporative cooler.

(vii) Self-contained refrigeration systems that contain 10 pounds (4.5 kg) or less of refrigerant, or that are actuated by motors of 1 horsepower (0.75 kW) or less.

(viii) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

~~(ix) A boiler or pressure vessel for which a permit is required by sections 17 and 18 of 1965~~

~~PA 290, MCL 408.767 and 408.768.~~

~~(x)(ix)~~ An oil burner that does not require connection to a flue, such as an oil stove and a heater equipped with a wick.

~~(xi)(x)~~ A portable gas burner that has inputs of less than 30,000 Btu's per hour.

~~(xii)(xi)~~ When changing or relocating a gas meter or regulator, a permit is not required when installing gas piping which shall be limited to 10 feet (3 005 mm) in length and not more than 6 fittings.

**(xii) When installing geothermal vertical closed loops under the supervision of a mechanical contractor licensed in HVAC as long as the company meets both the following: (A) Has obtained a certificate of registration as a well drilling contractor pursuant to part 127 of the public health code.**

**(B) Has installed the geothermal vertical closed loops in accordance with the department of environmental quality best practices regarding geothermal heat pump closed loops. Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in violation of the provisions of this code or other laws or ordinances of this jurisdiction.**

(d) Plumbing permits shall not be required for either of the following:

(i) The stopping of leaks in drains, water, soil, waste, or vent pipe. However, if any concealed trap, drainpipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the drain or pipe with new material, then the work is considered new work and a permit shall be obtained and inspection made as provided in the code.

(ii) The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, and the removal and reinstallation of water closets, if the repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

R 408.30411 Stop-work order.

Rule 411. Section 115.2 of the code is amended to read as follows:

115.2. Issuance. ~~Upon notice from the enforcing agency, work on any building or structure that is being done contrary to the code or in a dangerous or unsafe manner shall immediately cease.~~ Notice shall be in accordance with the act. A person who is served with a stop work order, except for work that the person is directed to perform to remove a violation or unsafe condition is subject to the penalty provisions prescribed in the act.

R 408.30412 Certificate of use and occupancy.

Rule 412. Sections 111.1 **and 111.2** of the code ~~is~~**are** amended to read as follows:

111.1. Use and occupancy. A building or structure shall not be used or occupied, and a change in the existing occupancy classification of a building or structure or portion thereof shall not be made until a certificate of occupancy has been issued in accordance with the act.

Exception: Certificates of occupancy are not required for work exempt from permits under section 105.2.

**111.2. Certificate issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department and all permit and plan review fees are paid, the building official shall issue a certificate of occupancy that contains all of the following:**

**(a) The building permit number. (b)**

**The address of the structure.**

(c) A description of that portion of the structure for which the certificate is issued. (d) A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.

(e) The name and signature of the building official or designee, registered in accordance with the building officials and inspectors registration act, 1986 PA 54, MCL 338.2301 to 338.2313.

(f) The edition of the code under which the permit was issued.

(g) The use and occupancy, in accordance with the provisions of chapter 3. (h) The type of construction as defined in chapter 6.

(i) The design occupant load.

(j) If an automatic sprinkler system is provided, whether the sprinkler system is required. (k) Any special stipulations and conditions of the building permit.

R 408.30414 Board of appeals.

Rule 414. Sections 113.1 and 113.3 of the code are amended to read as follows:

113.1. Means of appeal. An interested person may appeal a decision of the enforcing agency to the board of appeals in accordance with the act. An application for appeal shall be based on a claim that the true intent of the code or the rules governing construction have been incorrectly interpreted, the provisions of the code do not apply, or an equal or better form of construction is proposed. The decision of a local board of appeals may be appealed to the construction code commission in accordance with the act and time frames.

Exception: Requests for barrier free design exception shall be in accordance with 1966 PA 1, MCL 125.1352 to 125.1356.

113.3. Qualifications. The board of appeals shall consist of members who are qualified in accordance with the act **and are not employees of the governmental subdivision or the agency enforcing the code.**

R 408.30415a Definitions.

Rule 415a. The definitions of act, agricultural or agricultural purposes, and source point are added and the definitions of building, building inspector, building official, high-rise building, registered design professional, and structure in section 202 of the code are amended to read as follows:

202. Definitions.

“Act” means 1972 PA 230, MCL 125.1501 to 125.1531 and known as the Stille-DeRossett- Hale single state construction code act.

“Agricultural or agricultural purposes” means of, or pertaining to, or connected with, or engaged in agriculture or tillage which is characterized by the act or business of cultivating or using land and soil for the production of crops for the use of animals or humans, and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry.

“**Air-impermeable insulation**” means an insulation having air permanence equal to or less than **0.02 L/s-m<sup>2</sup> at 75 Pa. pressure differential tested according to ASTM E 2178 or E 283.**

“Building” means a combination of materials, whether portable or fixed, forming a structure affording a facility or shelter for use or occupancy by persons, animals, or property. The term does not include a building incidental to the use for agricultural purposes of the land on which the building is located if it is not used in the business of retail trade. The term shall be construed as though

followed by the words "or part or parts of the building and all equipment in the building" unless the context clearly requires a different meaning.

"Building inspector" means the person who is appointed and employed by a governmental subdivision, who is charged with the administration and enforcement of the state codes specified in R 408.30499, and who is registered in compliance with 1986 PA 54, MCL 338.2301 to 338.2313.

"Building official" means the person who is appointed and employed by a governmental subdivision, who is charged with the administration and enforcement of the state codes specified in R 408.30499, and who is registered in accordance with the requirements of 1986 PA 54, MCL 338.2301 to 338.2313.

"High-rise building" means a building with an occupied floor located more than 55 feet (1 6764 mm) above the lowest level of fire department vehicle access.

"Registered design professional" means an individual who is licensed under, 1980 PA 299, MCL 339.101 to 339.2919.

"Structure" means that which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner.

Structure does not include a structure incident to the use for agricultural purposes of the land on which the structure is located and does not include works of heavy civil construction, including without limitation, any of the following:

- (a) A highway. (b) A bridge. (c) A dam.
- (d) A reservoir. (e) A lock.
- (f) A mine. (g) A harbor.
- (h) A dockside port facility.
- (i) An airport landing facility.
- (j) A facility for the generation, or transmission, or distribution of electricity.

Structure shall be construed as though followed by the words "or part or parts of the structure and all equipment in the structure," unless the context clearly indicates otherwise.

"Source point" is defined in 1972 PA 230, MCL 125.1504d.

R 408.30418 Maximum floor area allowances per occupant.

Rule 418. Table ~~1004.1.2~~~~1004.1.1~~ of the code is amended to read as follows:

Table ~~1004.1.2~~~~1004.1.1~~  
MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT

FUNCTION OF SPACE	FLOOR AREA IN SQ. FT. PER OCCUPANT
Agricultural building	300 gross
Aircraft hangars	500 gross
Airport terminal	
Baggage claim	20 gross
Baggage handling	300 gross
Concourse	100 gross
Waiting areas	15 gross



Assembly Gaming floors (keno, slots, etc.) <b>Exhibit Gallery and Museum</b>	11 gross <b>30 net</b>
Assembly with fixed seats	See section 1004.7
Assembly without fixed seats Concentrated (chairs only-not fixed) Standing space Unconcentrated (tables and chairs)	7 net 5 net 15 net
Bowling centers, allow 5 persons for each lane including 15 feet of runway, and for additional areas	7 net
Business areas	100 gross
Courtrooms-other than fixed seating areas	40 net
Day care	35 net
Dormitories	50 gross
Educational Classroom area Shops and other vocational room areas Locker rooms	20 net 50 net 15 gross
Exercise rooms	50 gross
H-5 Fabrication and manufacturing areas	200 gross
Industrial areas	100 gross
Institutional areas Inpatient treatment areas	240 gross
Outpatient areas	100 gross
Sleeping areas	120 gross
Kitchens, commercial	200 gross
Library Reading rooms Stack area	50 net 100 gross
<b>Mall buildings-covered and open</b>	<b>See Section 402.8.2</b>
Locker rooms	50 gross
Mercantile Areas on other floors Basement and grade floor areas Storage, stock, shipping areas	60 gross 30 gross 300 gross
Parking garages	200 gross
Residential	200 gross
Skating rinks, swimming pools Rink and pool Decks	50 gross 15 gross
Stages and platforms	15 net
Accessory storage areas, mechanical equipment room	300 gross
Warehouses	500 gross

For SI: 1 square foot = 0.0929 m<sup>2</sup>

R 408.30419 Toilet room requirements.

Rule 419. Sections ~~1211.0~~, **1210.1**, ~~1210.5~~~~1211.1~~, ~~1211.2~~, and ~~1210.6~~~~1211.3~~ are ~~added~~**amended** to the code to read as follows:

~~1211.0 Toilet room requirements.~~

**1210.1. Required fixtures. The number and type of plumbing fixtures provided in any occupancy shall comply with the Michigan plumbing code.**

**1210.5.4211.1.** Baby changing stations. A building or structure that has baby changing stations in the women's restrooms shall have baby changing stations in the men's restrooms.

~~1211.2. Interior finish. Interior finish surfaces of toilet rooms shall comply with section 1210.~~

**1210.6.4211.3.** Directional signage. Directional signage indicating the route to the public facilities shall be posted in accordance with section 3107 of the international building code. Signage shall be located in a corridor or aisle at the entrance to the facilities for customers and visitors.

R 408.30420 ~~Carbon monoxide detectors~~ **Ventilation.**

Rule 420. Sections ~~9161203.1 and 1203.2~~ **is are added amended and 1203.2.2 and table 1203.2.2 are added** to the code to read as follows:

~~9161203.1. Carbon monoxide detectors. The owner, operator, or builder of R-1 residential occupancies shall install 1 operational carbon monoxide device at each source point.~~ **General.**

**Buildings shall be provided with natural ventilation in accordance with section 1203.4 or with mechanical ventilation in accordance with the Michigan mechanical code.**

**1203.2. Attic spaces.** Enclosed attics and enclosed rafter spaces formed where ceilings are applied directly to the underside of roof framing members shall have cross ventilation for each separate space by ventilation openings protected against the entrance of rain and snow. Blocking and bridging shall be arranged so as not to interfere with the movement of air. An airspace of not less than 1 inch (25 mm) shall be provided between the insulation and the roof sheathing. The net free ventilating area shall not be less than 1/150 of the area of the space ventilated.

**Exceptions:**

1. The net free cross-ventilation area may be reduced to 1/300 provided that not less than 50% and not more than 80% of the required ventilating area provided by ventilators located in the upper portion of the space to be ventilated at least 3 feet (914 mm) above eave or cornice vents with the balance of the required ventilation provided by eave or cornice vents.

2. The net free cross-ventilation area may be reduced to 1/300 where a Class I or II vapor retarder is installed on the warm-in-winter side of the ceiling.

3. Attic ventilation shall not be required when in climate zones 5A through 7, as defined in chapter 13, sufficient insulation is installed to maintain the monthly average temperature of the condensing surface above 45 degrees Fahrenheit (7 degrees Celsius). The condensing surface is defined as either the structural roof deck or the interior surface of an air-impermeable insulation applied in direct contact with the underside or interior of the structural roof deck. For calculation purposes, an interior temperature of 68 degrees Fahrenheit (20 degrees Celsius) is assumed. The exterior temperature is assumed to be the monthly average outside temperature, or when the conditions outlined in section 1203.2.2 are met.

4. **1203.2.2 Unvented attic and unvented enclosed rafter assemblies.** Unvented attic assemblies (spaces between the ceiling joists of the top story and the roof rafters) and unvented enclosed rafter assemblies (spaces between ceilings that are applied directly to the underside of roof framing members [rafters] and the structural roof sheathing at the top of the roof framing members[rafters]) shall be permitted if all the following conditions are met:

a. The unvented attic space is completely contained within the building thermal envelope. b. No interior Class I vapor retarders are installed on the ceiling side (attic floor) of the unvented attic assembly or on the ceiling side of the unvented enclosed rafter assembly.

c. Where wood shingles or shakes are used, a minimum ¼-inch (6 mm) vented air space separates the shingles or shakes and the roofing underlayment above the structural sheathing.

d. In climate zones 5A, 6A, and 7, any air-impermeable insulation shall be a class II vapor retarder, or shall have a class III vapor coating or covering in direct contact with the underside of the insulation.

5. Either items 5.1, 5.2, or 5.3 shall be met, depending on the air permeability of the insulation directly under the structural roof sheathing.

5.1. Air-impermeable insulation only. Insulation shall be applied in direct contact with the underside of the structural roof sheathing.

5.2. Air-permeable insulation only. In addition to the air-permeable insulation installed directly below the structural sheathing, rigid board or sheet insulation shall be installed directly above the structural roof sheathing as specified in table 1203.2.2 for condensation control.

5.3. Air-impermeable and air-permeable insulation. The air-impermeable insulation shall be applied in direct contact with the underside of the structural roof sheathing as specified in Table 1203.2.2 for condensation control. The air-permeable insulation shall be installed directly under the air-impermeable insulation.

5.4 Where preformed insulation board is used as the air-impermeable insulation layer, it shall be sealed at the perimeter of each individual sheet interior surface to form a continuous layer.

**Table 1203.2.2  
INSULATION FOR CONDENSATION CONTROL**

CLIMATE ZONE	MINIMUM RIGID BOARD ON AIR-IMPERMEABLE INSULATION R-VALUES <sup>a</sup>
5A	R-20
6A	R-25
7	R-30

a. Contributes to but does not supersede the requirements in chapter 13

R 408.30421 Emergency escape and rescue.

Rule 421. ~~Sections 1024.1 and 1029.1 of the code are amended and 1014.2.2 is added~~ to read as follows:

**1014.2.2. Group E.** Egress from classrooms in group E occupancies shall be limited to pass through 1 intervening space before reaching an exit access door leading directly to a corridor or an exit.

**1024.1. General.** Approved luminous egress path markings delineating the exit path shall be provided in buildings with an occupied floor located more than 75 feet (16 764 mm) above the lowest level of fire department vehicle access of groups A, B, E, I, M, and R-I occupancies in accordance with sections 1024.1 to 1024.5.

1029.1. General. In addition to the means of egress required by this chapter, provisions shall be made for emergency escape and rescue in group R as applicable in section 101.2, classrooms greater than 250 feet<sup>2</sup> (23.2 m<sup>2</sup>) in group E, and group I-1 occupancies. Basements and sleeping rooms below the fourth story above grade plane shall have at least 1 exterior emergency escape and rescue opening in accordance with this section. Where basements contain 1 or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room,

but shall not be required in adjoining areas of the basement. The opening shall open directly into a public street, public alley, yard, or court.

Exceptions:

1. In other than group R-3 occupancies as applicable in section 101.2, buildings equipped throughout with an approved automatic sprinkler system in accordance with section 903.3.1.1 or 903.3.1.2.
2. In other than group R-3 occupancies as applicable in section 101.2, sleeping rooms provided with a door to a fire-resistance-rated corridor having access to 2 remote exits in opposite directions.
3. The emergency escape and rescue opening ~~may is permitted to~~ open onto a balcony within an atrium in accordance with the requirements of section 404, provided the balcony provides access to an exit and the dwelling unit or sleeping unit has a means of egress that is not open to the atrium.
4. Basements with a ceiling height of less than 80 inches (2 032 mm) shall not be required to have emergency escape and rescue ~~windows~~**openings**.
5. High-rise buildings in accordance with section 403.
6. Emergency escape and rescue openings are not required from basements, **classrooms**, or sleeping rooms which have an exit door or exit access door that opens directly into a public street, public alley, yard, egress court, or to an exterior exit balcony that opens to a public street, public alley, yard, or egress court.
7. Basements without habitable spaces and having not more than 200 square feet (18.6 square meters) in floor area shall not be required to have emergency escape **and rescue openings** ~~windows~~.

R 408.30427 Barrier free design for buildings, structures, and improved areas.

Rule 427. Sections 1101.2 and ~~1109.81109.7~~ of the code are amended and section 1103.2.16 is added to the code to read as follows:

1101.2. Design. Buildings and facilities shall be designed and constructed to be accessible in accordance with 1966 PA 1, MCL 125.1351 to 125.1356, this code, and ICC/ANSI A 117.1, except sections 611 and 707.

~~1109.8.1109.7~~ Lifts. Platform (wheelchair) lifts ~~may are permitted to~~ be a part of a required accessible route in new construction where indicated in items 1 to 10. Platform (wheelchair) lifts shall be installed in accordance with the Michigan elevator code, R 408.7001 to R 408.8695.

(1) An accessible route to a performing area and speakers' platforms in occupancies in group A.

(2) An accessible route to wheelchair spaces required to comply with the wheelchair space dispersion requirements of sections 1108.2.2 to 1108.2.5.

(3) An accessible route to spaces that are not open to the general public with an occupant load of not more than 5.

(4) An accessible route within a dwelling or sleeping unit.

(5) An accessible route to wheelchair seating spaces located in outdoor dining terraces in A-5 occupancies where the means of egress from the dining terraces to a public way are open to the outdoors.

(6) An accessible route to jury boxes and witness stands; raised courtroom stations including judges' benches, clerks' stations, bailiffs' stations, deputy clerks' stations, and court reporters' stations; and to depressed areas such as the well of the court.

(7) An accessible route to load and unload areas serving amusement rides.

(8) An accessible route to play components or self-contained play structures.

(9) An accessible route to team or player seating areas serving areas of sport activity.

(10) An accessible route where existing exterior site constraints make use of a ramp or elevator infeasible.

1103.2.16. Military, fire service, and police facilities. Housing, bathing, toilet, training, and storage areas intended for use and occupancy exclusively by military, fire service, police, or security personnel required to be physically agile are not required to be accessible.

R 408.30428 Structural integrity.

Rule 428. Section 1614.1 of the code is amended to read as follows:

1614.1. General. Buildings with an occupied floor 75 feet (22 860 mm) or more in height above the lowest level of fire department vehicle access and assigned to ~~occupancy~~**risk** category III or IV shall comply with the requirements of this section. Frame structures shall comply with the requirements of section ~~1615.31614.3~~. Bearing wall structures shall comply with the requirements of section ~~1615.41614.4~~.

R 408.30429 High-rise buildings.

Rule 429. Sections 403.1, 403.5.4, 907.2.1.3, and 907.6.3.2 of the code are amended to read as follows:

403.1. Applicability. The provisions of this section shall apply to buildings having the occupied floors located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

Exception: The provisions of this section shall not apply to the following buildings and structures:

1. Airport traffic control towers in accordance with section 412 of the code.
  2. Open parking garages in accordance with section 406.3 of the code.
  3. Buildings with an occupancy in group A-5 in accordance with section 303.1 of the code.
  4. Low-hazard special industrial occupancies in accordance with section 503.1.1 of the code.
  5. Buildings with an occupancy in group H-1, H-2, or H-3 in accordance with section 415 of the code.
  6. Existing buildings having occupied floor levels not more than 75 feet (22 860 mm) above the lowest level of fire department vehicle access where the local unit of government complies with **both of** the following:
    - 6.1. The local unit of government has a municipal fire department with an ISO rating of 3 or lower, employing a full-time career firefighting staff.
    - 6.2. The governing body of the local unit of government has passed a resolution affirming the use of this exception and filed that resolution with the department of energy, labor, and economic growth, bureau of construction codes.
- 403.5.4. Smokeproof exit enclosures. Every required stairway serving floors more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access shall comply with sections 909.20 and 1022.9 of the code.
- 907.2.13. High-rise buildings. Buildings having floors used for human occupancy located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access shall be provided with an automatic fire alarm system and an emergency ~~voice/alarm~~**responder radio coverage communication** system in accordance with section 907.2.13.2 of the code.

Exceptions:

1. Airport traffic control towers in accordance with sections 412 and 907.2.22 of the code.
2. Open parking garages in accordance with section 406.3 of the code.
3. Buildings with an occupancy in group A-5.

4. Low-hazard special occupancies in accordance with section 503.1.1 of the code.
  5. Buildings with an occupancy in group H-1, H-2, or H-3 in accordance with section 415 of the code.
  6. In group I-1 and I-2 occupancies, the alarm shall sound at a constantly attended location and general occupant notification shall be broadcast by the emergency voice or alarm communication system.
- 907.6.3.2. High-rise buildings. In buildings used for human occupancy that have floors located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access, a separate zone by floor shall be provided for all of the following types of alarm-initiating devices where provided:
1. Smoke detectors.
  2. Sprinkler water-flow devices.
  3. Manual fire alarm boxes.
  4. Other approved types of automatic fire detection devices or suppression systems.

**R 408.30429a Compliance.**

Rule 429a. ~~The code is amended by adding sections~~ **Sections 3412.1 and 3412.2 of the code are amended to read as follows:**

3412.1. Compliance. The provisions of this section are intended to maintain or increase the current degree of public safety, health, and general welfare in existing buildings while permitting repair, alteration, addition, and change of occupancy without requiring full compliance with chapters 2 to 33 of the code, or sections 3401.3 to 3407, except where compliance with other provisions of the code is specifically required in this section.

Exception: Buildings made to comply with the provisions of the Michigan rehabilitation code for existing buildings, R 408.30551 to R 408.30577, shall be deemed to comply with the requirements of the code.

3412.2. Applicability. Structures existing before November 6, 1974, in which work involving additions, alterations, or changes of occupancy shall be made to conform to the requirements of this section or the provisions of sections 3402 to 3406 of the code.

The provisions in sections 3412.2.1 to 3412.2.5 of the code shall apply to existing occupancies that will continue to be, or are proposed to be, in groups A, B, E, F, M, R, S, and U. These provisions shall not apply to buildings that have occupancies in group H or I.

**R 408.30429b Elevator Lobby.**

**Rule 429b. Section 713.14.1 of the code is amended to read as follows:**

**713.14.1. An enclosed elevator lobby shall be provided at each floor where an elevator shaft enclosure connects more than 3 stories. The lobby enclosure shall separate the elevator shaft enclosure doors from each floor by fire partitions. In addition to the requirements in section 708 for fire partitions, doors protecting openings in the elevator lobby enclosure walls shall also be in compliance with section 716.5.3 as required for corridor walls and penetrations of the elevator lobby enclosure by ducts and air transfer openings shall be protected as required for corridors in accordance with section 717.5.4.1. Elevator lobbies shall have at least 1 means of egress complying with chapter 10 and other provisions within this code.**

**Exceptions:**

- 1. Enclosed elevator lobbies are not required at the level or levels of exit discharge provided the level or levels of exit discharge is equipped with an automatic sprinkler system in accordance with section 903.3.1.1.**

2. Elevators not required to be located in a shaft in accordance with section 712.1 are not required to have enclosed elevator lobbies.

3. Enclosed elevator lobbies are not required where additional doors are provided at the hoistway opening in accordance with section 3002.6. The doors shall comply with the smoke and draft control door assembly requirements in section 716.5.3.1 when tested in accordance with UL 1784 without an artificial bottom seal.

4. Enclosed elevator lobbies are not required where the building is protected by an automatic sprinkler system installed in accordance with section 902.2.1.1 or 903.3.1.2. This exception shall not apply to all of the following:

4.1. Group I-2 occupancies.

4.2. Group I-3 occupancies.

4.3. Elevator serving floor levels over 55 feet above the lowest level of fire department vehicle access in high-rise buildings.

5. Smoke partitions may be in place of fire partitions to separate the elevator lobby at each floor where the building is equipped throughout with an automatic sprinkler system installed in accordance with section 903.3.1.1 or 903.3.1.2. In addition to the requirements in section 710 for smoke partitions, doors protecting openings in the smoke partitions shall also be in compliance with sections 710.5.2.2, 710.5.2.3, and 716.5.9 and duct penetrations of the smoke partitions shall be protected as required for corridors in accordance with section 717.5.4.1.

6. Enclosed elevator lobbies are not required where the elevator hoistway is pressurized in accordance with section 909.21.

7. Enclosed elevator lobbies are not required where the elevator serves only open parking garages in accordance with section 406.5.

R 408.30437 Masonry heater clearance.

Rule 437. Section 2112.5 of the code is amended to read as follows:

2112.5. Masonry heater clearance. Combustible materials shall not be placed within 36 inches (914 mm) of the outside surface of a masonry heater in accordance with NFPA 211-~~2010~~2006 chapter 12, §~~paragraph~~ 12.6 (clearances for solid-fuel-burning appliances), and the required space between the heater and combustible material shall be fully vented to permit the free flow of air around all heater surfaces.

**Exceptions:**

1. When the masonry heater wall thickness is at least 8 inches thick of solid masonry and the wall thickness of the heat exchange channels is at least 5 inches thick of solid masonry, combustible materials shall not be placed within 4 inches of the outside surface of a masonry heater. A clearance of at least 8 inches shall be provided between the gas-tight capping slab of the heater and a combustible ceiling.

2. Masonry heaters listed and labeled in accordance with UL 1482 and installed in accordance with the manufacturer's instructions.

R 408.30441 Consumer fireworks facilities.

Rule 441. Sections 307.5.1, 415.1.1, 425.1, 509.4.2.2, 907.2.5.1, 910.2.3, and 1030.1 of the code are added to read as follows:

307.5.1. High-hazard group H-3. Consumer fireworks 1.4G (class C common) Consumer fireworks 1.4G facilities shall meet the requirements of this code and those requirements of this code and those requirements referenced in section 425.1.

**415.1.1. Consumer fireworks facilities 1.4 G (class C common) consumer fireworks 1.4 G facilities shall be designed and constructed in accordance with NFPA 1124 as referenced by the Michigan fireworks safety act, 2011 PA 256, MCL 28.451 to 28.471.**

**425.1. Consumer fireworks (1.4G) facilities. The items in buildings used for the retail sale of consumer fireworks shall be designed and constructed in accordance with NFPA 1124, as referenced by the Michigan fireworks safety act, 2011 PA 256, MCL 28.451 to 28.471 as follows:**

- (a) Means of egress.**
- (b) Storage rooms.**
- (c) Fire alarms.**
- (d) Smoke control.**
- (e) Automatic sprinkler systems.**

**509.4.2.2. Consumer fireworks (1.4G) facilities storage rooms. Storage rooms in consumer fireworks (1.4G) facilities used for the retail sale of consumer fireworks shall be designed and constructed in accordance with the code for the manufacture, transportation, storage, and retail sales of fireworks and pyrotechnic articles, NFPA 1124, as referenced by the Michigan fireworks safety act, 2011 PA 256, MCL 28.451 to 28.471.**

**907.2.5.1. Consumer fireworks (1.4G) facilities fire alarms. Fire alarm systems in consumer fireworks (1.4G) facilities used for the retail sale of consumer fireworks storage shall be designed and constructed in accordance with the code for the manufacture, transportation, storage, and retail sales of fireworks and pyrotechnic articles, NFPA 1124, as referenced by the Michigan fireworks safety act, 2011 PA 256, MCL 28.451 to 28.471.**

**910.2.3. Consumer fireworks (1.4G) facilities smoke and heat vents. Smoke and heat vents in consumer fireworks (1.4G) facilities used for the retail sale of consumer fireworks storage shall be designed and constructed in accordance with the code for the manufacture, transportation, storage, and retail sales of fireworks and pyrotechnic articles, NFPA 1124, as referenced by the Michigan fireworks safety act, 2011 PA 256, MCL 28.451 to 28.471.**

**1030.1. Consumer fireworks (1.4G) facilities means of egress. The means of egress in consumer fireworks (1.4G) facilities used for the retail sale of consumer fireworks means of egress shall be designed and constructed in accordance with the code for the manufacture, transportation, storage, and retail sales of fireworks and pyrotechnic articles, NFPA 1124, as referenced by the Michigan fireworks safety act, 2011 PA 256, MCL 28.451 to 28.471.**

R 408.30442 Automatic sprinkler systems.

Rule 442 . ~~Section~~**Sections 903.2.8, 903.2.8.2, 903.2.5, and 903.2.5.1 are amended and section 903.2.5.4 is added to**of the code is amended to read as follows:

903.2.8. Group R. An automatic sprinkler system installed in accordance with section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exception: Camp buildings in remote areas without municipal water supply that meet all of the following:

1. Not more than 1 story, 2000 square feet (186 m<sup>2</sup>) and 25 occupants.
2. Are used not more than 5 months in a year.
3. Shall be provided with not less than 2 exits in compliance with section 1019.
4. Shall not be provided with cooking equipment.
5. Provided with a manual fire alarm system and smoke alarms throughout in compliance with NFPA 72 as listed in chapter 35. For cabins sleeping 4 or fewer occupants only, smoke alarms are required.



6. Storage and equipment rooms shall be protected by a 1-hour fire partition.
7. Compliance with all applicable requirements of the code.

**903.2.8.2. Adult foster care family homes.** An automatic sprinkler system installed in accordance with section 903.3.1.3 shall be permitted in adult foster care family homes or adult foster care small group homes for 6 or fewer persons receiving care that are within a single-family dwelling and licensed in accordance with the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.

**903.2.5. Group H. Automatic sprinkler systems shall be provided in high-hazard occupancies as required in sections 903.2.5.1 to 903.2.5.4.**

**903.2.5.1. General.** An automatic sprinkler system shall be installed in group H occupancies unless the requirements of section 903.2.5.4 are met for buildings containing consumer fireworks.

**903.2.5.4. Consumer fireworks (1.4G).** Buildings used for the retail sale of consumer fireworks shall be provided with an automatic sprinkler system in accordance with the Michigan fireworks safety act, 2011 PA 256, MCL 28.451 to 28.471.

R 408.30443 Masonry.

Rule 443. Section 1405.4.2 of the code is amended to read as follows:

1405.4.2. Masonry. Flashing and weep holes shall be located in the first course of masonry above finished ground level above the foundation wall or slab; at the heads of windows, doors, and other wall openings; at window sills and at other points of support including structural floors, shelf angles, and lintels where anchored veneers are designed in accordance with section

**1405.6.1405.5.** Flashing shall extend to, or beyond, the finished face of the wall.

R 408.30446 Smoke alarm locations.

Rule 446. Sections 907.2.11.5 and ~~907.2.11.6~~**907.2.11.5.1** are added to the code as follows:

907.2.11.5. Smoke alarm locations in existing buildings constructed before November 6, 1974. Within each dwelling unit or sleeping unit, a single-station smoke alarm shall be installed in **all of** the following locations:

- (1) In each sleeping room or each area directly outside the sleeping room. (2)

On each floor level including the basement level.

For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than 1 full story below the upper level.

~~907.2.11.6~~**907.2.11.5.1.** Equipment requirements. The required equipment for smoke alarms shall consist of the following:

- (1) Installation. Smoke alarm devices shall be listed and installed in accordance with the manufacturer's installation requirements, the provisions of the code, and the provisions of NFPA 72 as listed in chapter 35.

- (2) Power Source. The equipment shall be operable by power from 1 of the following primary sources:

- (a) The building wiring provided the wiring is served from a commercial source and is equipped with a battery backup. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

- (b) A non-rechargeable battery able to power the smoke alarm in the normal condition for a life of 5 years.

(c) A rechargeable battery, with proper charging, able to power the alarm for a life of 5 years. (d) A commercial use alarm system with battery backup listed and approved in accordance with the commercial fire warning equipment provisions of NFPA 72, as adopted by reference in this rule.

(3) Audible Alarm Notification. The activation of the alarm signal shall produce a sound that is audible in all occupiable dwelling areas.

(4) Testing and Maintenance. The owner of a dwelling unit, in which required or optional fire detection or fire protection systems equipment is installed, shall be responsible for the proper operation, testing, and maintenance of the equipment in accordance with the manufacturer's instructions included with the equipment. The occupant of rental dwelling units shall be responsible for the periodic operational testing and periodic cleaning of the installed equipment within the rental unit in accordance with the testing instructions provided in the manufacturer's instructions for the equipment. If the system fails, breaks, or is out of service, it shall be repaired and functional within 30 days.

Exception: Smoke alarms and devices installed in buildings constructed before November 6, 1974 where an installation was approved by the appropriate enforcing agency under regulations in effect at the time of the installation shall be considered to comply with the provisions of the code.

R 408.30447 Smokeproof enclosures.

Rule 447. Section ~~1022.10~~~~1022.9~~ of the code is amended to read as follows:

~~1022.10.1022.9~~. Smokeproof enclosures. In buildings required to comply with section 403 or 405 of the code, each of the exits of a building that serves stories where the floor surface is located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access or more than 30 feet (9 144 mm) below the level of exit discharge serving such floor levels shall be a smokeproof enclosure or pressurized stairway in accordance with section 909.20 of the code.

R 408.30449 Frost protection.

Rule 449. Section 1809.5 of the code is amended to read as follows:

1809.5. Frost protection. Except where otherwise protected from frost, foundation walls, piers, and other permanent supports of buildings and structures shall be protected from frost by at least 1 of the following methods:

- (1) Extending not less than 42 inches (1 067 mm) below finish grade.
- (2) Constructing in accordance with ASCE-32 listed in chapter 35. (3)

Erecting on solid rock.

Exceptions:

1. Free-standing buildings meeting all of the following conditions shall not be required to be protected:

- a. Classified in ~~importance~~**risk** category I in accordance with section 1604.5 of the code.
- b. Area of 600 square feet (55.74 m<sup>2</sup>) or less for light-frame construction or 400 square feet (37 m<sup>2</sup>) or less for other than light-frame construction.

c. Eave height of 10 feet (3 048 mm) or less.

2. Upon evidence of the existence of any of the following conditions, the building official may modify the footing depth accordingly:

a. Freezing temperatures. b.

Soil type.

c. Groundwater conditions. d.

Snow depth experience.

- e. Exposure to the elements.
- f. Other specific conditions identified by the building official that may affect the foundation system.

Footings shall not bear on frozen soil unless such frozen condition is of a permanent character.

R 408.30451c. Flood loads.

Rule 451c. Sections 1612.3.1 and 1612.4 of the code are amended and 1612.4.1, 1612.4.2, 1612.4.3, 1612.4.4, and 1612.4.5 are added to the code to read as follows:

1612.3.1. Alternate flood hazard provisions. Absent the adoption of a flood hazard map and supporting data, flood hazard areas as determined by the state under its administration of the Part 31, floodplain regulatory authority of the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, shall become the basis for regulation of floodplain development within the community and section 1612 shall apply to buildings and structures within those areas.

**1612.4.1. Minimum requirements for buildings and structures. All of the following are in addition to the requirements of ASCE 24:**

**(1) Buildings and structures in flood hazard areas subject to high velocity wave action (zone V) shall be in compliance with the requirements of ASCE 24 for such flood hazard areas.**

**(2) The lowest floors of structure category II buildings and structures shall be at or above the elevation specified in ASCE 24 or 1 foot (305 mm) above the design flood elevation, whichever is higher.**

**(3) The lowest floors of structure category III and IV buildings and structures in flood hazard areas not subject to high velocity wave action (zone A) shall be at or above the elevation specified in ASCE 24 or 1 foot (305 mm) above the 500-year flood elevation, whichever is higher. For the purpose of this requirement, the 500-year flood elevation is the elevation of flooding having a 0.2% chance of being equaled or exceeded in any given year.**

**(4) Dry floodproofing for structure category II buildings and structures shall extend to or above the elevation specified in ASCE 24 or 1 foot (305 mm) above the design flood elevation, whichever is higher.**

**(5) Dry floodproofing for structure category III and IV buildings and structures shall extend to or above the elevation specified in ASCE 24 or 1 foot (305 mm) above the 500- year flood elevation, whichever is higher. For the purpose of this requirement, the 500-year flood elevation is the elevation of flooding having a 0.2% chance of being equaled or exceeded in any given year.**

**(6) The interior floor or finished ground level of under-floor spaces and crawlspaces shall comply with section 1805.1.2.1 of this code.**

~~1612.4. Design and construction. Buildings and structures as defined in ASCE 24 table 1-1, listed in chapter 35, and located in flood hazard areas shall be designed and constructed in accordance with sections 1612.4.1 to 1612.4.5 of the code.~~

~~1612.4.1 Buildings and structures located in flood hazard areas subject to high velocity wave action shall be designed and constructed in accordance with flood hazard areas subject to high velocity wave action of ASCE 24 listed in chapter 35.~~

~~1612.4.2 Type II buildings located in flood hazard areas not subject to high velocity wave action shall be designed and constructed in accordance with section 2.0 basic requirements for flood hazard areas and shall have the lowest floors elevated 1 foot (305 mm) above the 100-year design flood elevation.~~

~~1612.4.3 Type III and IV buildings located in flood hazard areas not subject to high velocity wave action shall be designed and constructed in accordance with section 2.0 basic requirements for flood hazard areas and shall have the lowest floors elevated 1 foot (305 mm) above the 500- year flood level.~~

~~1612.4.4 If the lowest floor of nonresidential buildings and structures as defined in ASCE 24 listed in chapter 35 are located in flood hazard areas and are not elevated as required in accordance with sections 1612.4.2 and 1612.4.3, Type II buildings shall be flood proofed to 1 foot above the design flood elevations and Type III & IV buildings shall be flood proofed to 1 foot above the 500- year flood level in accordance with the flood proofing requirements contained in ASCE 24 listed in chapter 35.~~

~~1612.4.5 Crawl space interior floor grade elevation shall comply with section 1807.1.2.1 of the code.~~

#### **R 408.30452 Flood hazard areas.**

**Rule 452.** Section 3403.2 of the code is amended and section 1612.3.3 is added to read as follows:

**3403.2. Flood hazard areas.** Both of the following apply to buildings and structures in flood hazard areas established in section 1612.3:

- (1) All additions shall be in compliance with the flood design requirements for new construction.
- (2) If an addition constitutes substantial improvement of the existing structure, as defined in section 1612.2, all aspects of the existing structure shall be brought into compliance with the requirements for new construction for flood design.

**1612.3.3. Alternate flood hazard area determinations.** Absent the adoption of a flood hazard map and supporting data, flood hazard areas as determined by the state under its administration of the part 31, floodplain regulatory authority of the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, shall become the basis for regulation of flood hazard area development and the flood load provisions of this code shall apply to buildings and structures within those areas.

#### **R 408.30459 Elevators.**

**Rule 459.** Sections 1007.4 and ~~1607.9.1~~~~1607.8.1~~ of the code are amended to read as follows:

**1007.4. Elevators.** To be considered part of an accessible means of egress, an elevator shall ~~be in compliance~~~~comply~~ with the emergency operation and signaling device requirements of the Michigan elevator code, R 408.7001 to R 408.8695.

~~**1607.9.1**~~~~1607.8.1.~~ **Elevators.** Elevator loads shall be increased by 100% for impact and the structural supports shall be designed within the limits of deflection prescribed by the Michigan elevator code, R 408.7001 to R 408.8695.

#### **R 408.30499 Adoption of standards by reference; referenced codes.**

**Rule 499.** Chapter 35 of the code is amended to add the following referenced codes, which are available from the Michigan Department of ~~Licensing and Regulatory Affairs~~~~Energy, Labor and Economic Growth~~, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864:

- |                              |   |
|------------------------------|---|
| (a) Michigan Electrical Code | R 408.30801 to R 408.30880; of the<br>Michigan Administrative Code. |
| (b) Michigan Mechanical Code | R 408.30901 to R 408.30998a of the<br>Michigan Administrative Code. |

- |                                  |  |
|----------------------------------|--|
| (c) Michigan Plumbing Code       | R 408.30701 to R 408.30796 of the<br>Michigan Administrative Code.     |
| (d) Michigan Uniform Energy Code | R 408.31061 to R 408.31099 of the<br>Michigan Administrative Code. (e) |
| Michigan Elevator Code           | R 408.7001 to R 408.8695 of the<br>Michigan Administrative Code.       |
| (f) Michigan Boiler Code         | R 408.4001 to R 408.5507 of the<br>Michigan Administrative Code.       |

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**NOTICE OF PUBLIC HEARING**

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
NOTICE OF PUBLIC HEARING

Michigan Rehabilitation Code for Existing Buildings (ORR# 2012-099 LR)  
Part 4. Michigan Building Code (ORR# 2012-100 LR)

The Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, will hold a public hearing on Thursday, October 24, 2013, at 9:00 a.m. in Conference Room 3, 2501 Woodlake Circle, Okemos, MI 48864. The Michigan Rehabilitation Code for Existing Buildings and the Building Code are proposed to be effective 120 days after filing with the Secretary of State.

The public hearing is being held to receive public comments on the proposed amendments to the administrative rules noted above. Testimony will be taken for each rule set in the order the rules are listed above. Individuals who are not present during testimony for a particular rule set will be provided an opportunity to testify after final testimony on the Building Code.

The proposed rehabilitation rules will adopt the 2012 International Existing Building Code with amendments, deletions, and additions deemed necessary for use in Michigan. The hearing is being conducted by the Department under the authority of Section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, 2008.4, and 2011-4, MCL 445.2011, 445.2025 and 445.2030.

The proposed building rules will adopt the 2012 International Building Code with amendments, deletions, and additions deemed necessary for use in Michigan. The hearing is being conducted by the Department under the authority of Section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, 2008.4, and 2011-4, MCL 445.2011, 445.2025 and 445.2030.

The proposed rules will be published in the October 1, 2013, *Michigan Register*. Copies of the proposed Michigan amendments to the Michigan Rehabilitation Code for Existing Buildings and the Building Code may be obtained for a fee of \$3.00 for each rule set by submitting a check or money order made payable to the State of Michigan at the address below. You may download a free copy of the proposed amendments by visiting the Bureau's website at [www.michigan.gov/bcc](http://www.michigan.gov/bcc). The amendments are located under "What's New" on the front page of the website.

Oral or written comments may be presented in person at the hearing on October 24, 2013, or submitted in writing by mail, email, or facsimile no later than 5:00 p.m., October 24, 2013, to the Bureau's contact information below. If your presentation at the public hearing is in written form, please provide a copy to the Rules Analyst at the conclusion of your testimony at the hearing.

Department of Licensing and Regulatory Affairs  
Bureau of Construction Codes  
Office of Administrative Services  
P.O. Box 30254

2013 MR 17 – October 1, 2013

Lansing, MI 48909  
Telephone (517) 241-6312  
Facsimile (517) 241-9570  
matsumotos@michigan.gov

The meeting site and parking are accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional services (such as materials in alternative format) in order to participate in the meeting should call Jessica Lightner at (517) 335-2972 (voice) at least 14 days prior to the hearing. LARA is an equal opportunity employer/program.

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**PROPOSED ADMINISTRATIVE RULES**

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS

Proposed Draft August 9, 2013

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, MCL 408.1019 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.44201, R 408.44202, and R 408.44203 of the Michigan Administrative Code are amended and R 408.44204 is added, as follows:

PART 42. HAZARD COMMUNICATION

R 408.44201 Scope and application.

Rule 4201. (1) These rules establish requirements to ensure that the hazards of all chemicals produced or imported by chemical manufacturers or importers are evaluated and that information concerning the hazards is transmitted to affected employers and communicated to employees. These rules establish requirements to ensure that markings, placards, and labels required on hazardous materials and explosives, both in transportation and at stationary facilities, are retained until the materials have been removed to the extent **that the materials do not** ~~they no longer~~ pose a hazard.

(2) The regulations adopted by R 408.44202 shall apply to all chemical manufacturers, chemical importers, and employers pursuant to the provisions of **29 C.F.R. §1910.1200 and 29 C.F.R. §1926.59.** ~~29 C.F.R. §1926.59.~~

(3) The regulations adopted by **R 408.44203** ~~R 408.44202~~ shall apply to workplaces pursuant to the provisions of **29 C.F.R. §1910.1201, 29 C.F.R. §1926.61, and 29 C.F.R. §1928.21.** ~~SS1926.60 and 1926.61.~~

(4) Section 14a(1) of ~~Act No. 154 of the Public Acts of 1974~~ **PA 154, MCL, as amended, being** ~~SS408.1014(a)(1) of the Michigan Compiled Laws,~~ adopted the original federal standard by reference. In addition, sections 14b to 14l of ~~Act No. 154 of the Public Acts of 1974~~ **PA 154, MCL, as amended,** ~~being SS408.1014b to 408.1014l of the Michigan Compiled Laws,~~ set forth additional requirements for Michigan employers. The regulations adopted by R 408.44202 will have the force and effect of law, but only to the extent they are consistent with section 14a(1) of ~~Act No. 154 of the Public Acts of 1974~~ **PA 154, MCL 408.1014a(1), as amended.** If there is any inconsistency, section 14a(1) of ~~Act No. 154 of the Public Acts of 1974~~ **PA 154, MCL 408.1014a(1), as amended,** will control.



R 408.44202 Hazard communication; adoption by **reference**. ~~reference; availability.~~

Rule 4202. (1) The **following** federal occupational safety and health administration's (OSHA) regulations **from the Code of Federal Regulations are adopted by reference in these rules:**

(a) **29 C.F.R. §1910.1200 "Hazard Communication," February 8, 2013.**

(b) **29 C.F.R. §1926.59 "Hazard Communication," June 20, 1996.**

~~on hazard communication that have been promulgated by the United States department of labor and codified at 29 C.F.R. §1910.1200, revised as of May 25, 2012, are adopted by reference in these rules as of the effective date of these rules.~~

(2) The adopted federal regulations shall have the same force and effect as a rule promulgated under 1974 PA 154, MCL 408.1001 to 408.1094.

~~(3) The adopted federal regulations are available without cost as of the time of adoption of these rules from the United States Department of Labor, Occupational Safety and Health Administration, 315 West Allegan, Room 315, Lansing, Michigan 48933, or from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909-8143, or via the internet at website [www.osha.gov](http://www.osha.gov).~~

R 408.44203 Retention of department of transportation markings, placards, and labels; adoption by **reference**. ~~reference; availability.~~

Rule 4203. (1) The **following** federal occupational safety and health administration's (OSHA) regulations **from the Code of Federal Regulations are adopted by reference in these rules:**

(a) **29 C.F.R. §1910.1201 "Retention of DOT markings, placards and labels," July 19, 1994.**

(b) **29 C.F.R. §1926.61 "Retention of DOT markings, placards and labels," June 20, 1996.**

(c) **29 C.F.R. §1928.21 "Applicability of Standards in 29 CFR Part 1910," March 7, 1996.**

~~on retention of department of transportation markings, placards, and labels which have been promulgated by the United States department of labor and codified at 29 C.F.R. §1926.61 and §1928.21 and which were published in the Federal Register on June 20, 1996 and March 7, 1996, respectively, are adopted by reference in these rules as of the effective date of these rules.~~

(2) The adopted federal regulations shall have the force and effect as a rule promulgated under 1974 PA 154, MCL 408.1001 to 408.1094.

~~(3) The adopted federal regulations are available without cost as of the time of adoption of these rules from the United States Department of Labor, Occupational Safety and Health Administration, 315 West Allegan, Room 315, Lansing, Michigan 48933, or from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909-8143, or via the internet at website [www.osha.gov](http://www.osha.gov).~~

**R 408.44204 Availability of adopted rules.**

Rule 4204. (1) The standards adopted in these rules are available from the United States Department of Labor, Occupational Safety and Health Administration website: [www.osha.gov](http://www.osha.gov), at no charge, as of the time of adoption of these rules.

(2) The standards adopted in these rules are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.

(3) The standards adopted in these rules may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

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**PROPOSED ADMINISTRATIVE RULES**

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Proposed Draft September 5, 2013

Filed with the Secretary of State of Michigan

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the **director of the** department of licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154, MCL 408.1016 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.19201, R 408.19202, and R 408.19203 are amended, and R 408.19204 is added to the Michigan Administrative Code as follows:

PART 92. HAZARD COMMUNICATION

R 408.19201 Scope and application.

Rule 9201. (1) These rules establish requirements to ensure that the hazards of all chemicals produced or imported by chemical manufacturers or importers are evaluated and that information concerning the hazards is transmitted to affected employers and communicated to employees. These rules establish requirements to ensure that markings, placards, and labels required on hazardous materials and explosives, both in transportation and at stationary facilities, are retained until the materials have been removed to the extent **that the materials do not** ~~they no longer~~ pose a hazard.

(2) The regulations adopted by R 408.19202 shall apply to all chemical manufacturers, chemical importers, and employers pursuant to the provisions of 29 C.F.R. **§1910.1200.** ~~§1910.1200.~~

(3) The regulations adopted by **R 408.19203** ~~R 408.19202~~ shall apply to workplaces pursuant to the provisions of 29 C.F.R. **§1910.1201** ~~§1910.1200~~ and **29 C.F.R. §1928.21.** ~~1928.21.~~

(4) Section 14a(1) of ~~Act No. 154 of the Public Acts of 1974~~ **PA 154, MCL**, ~~as amended, being~~ ~~§408.1014a(1) of the Michigan Compiled Laws~~, adopted the original federal standard by reference. In addition, sections 14b to 14l of ~~Act No. 154 of the Public Acts of 1974~~ **PA 154, MCL**, ~~as amended, being~~ ~~§§408.1014b to 408.1014l of the Michigan Compiled Laws~~, set forth additional requirements for Michigan employers. The regulations adopted by R 408.19202 will have the force and effect of law, but only to the extent they are consistent with section 14a(1) of ~~Act No. 154 of the Public Acts of 1974~~ **PA 154, MCL 408.1014a(1).** ~~; as amended.~~ If there is any inconsistency, section 14a(1) of ~~Act No. 154 of the Public Acts of 1974~~ **PA 154, MCL 408.1014a(1)**, will control.

R 408.19202 Hazard communication; adoption by **reference.** ~~reference; availability.~~

Rule 9202. (1) The federal occupational safety and health administration's (OSHA) regulations on hazard communication that have been promulgated by the United States department of labor and codified at 29 C.F.R. §1910.1200, **"Hazard Communication" February 8, 2013**, ~~is revised as of May 25, 2012, are adopted by reference in these rules. rules as of the effective date of these rules.~~

(2) The adopted federal regulations shall have the same force and effect as a rule promulgated under 1974 PA 154, MCL 408.1001 to 408.1094.

(3) ~~The adopted federal regulations are available without cost as of the time of adoption of these rules from the United States Department of Labor, Occupational Safety and Health Administration, 315 West Allegan, Room 315, Lansing, Michigan 48933, or from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909-8143, or via the internet at website [www.osha.gov](http://www.osha.gov).~~

R 408.19203 Retention of department of transportation markings, placards, and labels; adoption by **reference.** ~~reference; availability.~~

Rule 9203. (1) The **following** federal occupational safety and health administration's (OSHA) regulations **from the Code of Federal Regulations are adopted by reference in these rules:**

(a) **29 C.F.R. §1910.1201 "Retention of DOT markings, placards and labels" July 19, 1994.**

(b) **29 C.F.R. §1928.21 "Applicability of Standards in 29 CFR Part 1910" March 7, 1996.**

~~on retention of department of transportation markings, placards, and labels that have been promulgated by the United States department of labor and codified 29 C.F.R. §§1910.1201 and 1928.21 and which were published in the Federal Register on June 20, 1996 and March 7, 1996, respectively, are adopted by reference in these rules as of the effective date of these rules.~~

(2) The adopted federal regulations shall have the same force and effect as a rule promulgated under 1974 PA 154, MCL 408.1001 to 408.1094.

(3) ~~The adopted federal regulations are available without cost as of the time of adoption of these rules from the United States Department of Labor, Occupational Safety and Health Administration, 315 West Allegan, Room 315, Lansing, Michigan 48933, or from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909-8143, or via the internet at website [www.osha.gov](http://www.osha.gov).~~

R 408.19204 Availability of adopted rules.

Rule 9204. (1) The standards adopted in these rules are available from the United States Department of Labor, Occupational Safety and Health Administration website: [www.osha.gov](http://www.osha.gov), at no charge, as of the time of adoption of these rules.

(2) The standards adopted in these rules are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.

(3) The standards adopted in these rules may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

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**PROPOSED ADMINISTRATIVE RULES**

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS

Proposed Draft September 6, 2013

Filed with the Secretary of State of Michigan

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 14 and 24 of 1974 PA 154, MCL 408.1016 and 408.1021, and Executive Reorganization Order Nos. **1996-1**, 1996-2, 2003-1, 2008-4, and 2011-4, MCL **330.3101**, 445.2001, 445.2011, 445.2025, and 445.2030)

R 325.77001, R 325.77002, and R 325.77003 are amended, and R 325.77004 is added to the Michigan Administrative Code as follows:

PART 430. HAZARD COMMUNICATION

R 325.77001 Scope and application.

Rule 1. (1) These rules establish requirements to ensure that the hazards of all chemicals produced or imported by chemical manufacturers or importers are evaluated and that information concerning the hazards is transmitted to affected employers and communicated to employees. These rules establish requirements to ensure that markings, placards, and labels required on hazardous materials and explosives, both in transportation and at stationary facilities, are retained until the materials have been removed to the extent that the materials do not pose a hazard.

(2) The regulations adopted by R 325.77002 shall apply to all chemical manufacturers, chemical importers, and employers pursuant to the provisions of 29 C.F.R. **§1910.1200** ~~§1910.1200~~ and 29 C.F.R. **§1926.59** ~~§1926.59~~.

(3) The regulations adopted by R 325.77003 shall apply to workplaces pursuant to the provisions of 29 C.F.R. **§1910.1201**, ~~§1910.1201~~, 29 C.F.R. **§1926.61**, ~~§1926.61~~, and 29 C.F.R. **§1928.21** ~~§1928.21~~.

(4) Section 14a(1) of Act No. 154 of the Public Acts of 1974 **PA 154, MCL**, as amended, being **S408.1014a(1)** of the Michigan Compiled Laws, adopted the original federal standard by reference. In addition, sections 14b to 14l of Act No. 154 of the Public Acts of 1974 **PA 154, MCL**, as amended, being **SS408.1014b to 408.1014l** of the Michigan Compiled Laws, set forth additional requirements for Michigan employers. The regulations adopted by R 325.77002 will have the force and effect of law, but only to the extent they **are consistent** ~~do not conflict~~ with section 14a(1) of Act No. 154 of the Public Acts of 1974 **PA 154, MCL 408.1014a(1)**, as amended, being **S408.1014a(1)** of the Michigan Compiled Laws. **If there is any inconsistency, section 14a(1) of 1974 PA 154, MCL 408.1014a(1),**

**will control.** ~~If there is any conflict, the provisions of Act No. 154 of the Public Acts of 1974, as amended, will control.~~

R 325.77002 Hazard communication; adoption by **reference.** ~~reference; availability.~~

Rule 2. (1) The **following** federal occupational safety and health administration's (OSHA) regulations **from the Code of Federal Regulations are adopted by reference in these rules:**

(a) **29 C.F.R. §1910.1200 "Hazard Communication," February 8, 2013.**

(b) **29 C.F.R. §1926.59 "Hazard Communication," June 20, 1996.**

~~on hazard communication that have been promulgated by the United States department of labor and codified at 29 C.F.R. §1910.1200, revised as of May 25, 2012, and 29 C.F.R. §1926.59, revised as of February 9, 1994, are adopted by reference in these rules as of the effective date of these rules.~~

(2) The adopted federal regulations shall have the same force and effect as a rule promulgated under 1974 PA 154, MCL 408.1001 to 408.1094.

(3) ~~The adopted federal regulations are available without cost as of the time of adoption of these rules from the United States Department of Labor, OSHA, 315 West Allegan, Room 315, Lansing, Michigan 48933, or from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909-8143, or via the internet at website [www.osha.gov](http://www.osha.gov).~~

R 325.77003 Retention of department of transportation markings, placards, and labels; adoption by **reference.** ~~reference; availability.~~

Rule 3. (1) The **following** federal occupational safety and health administration's (OSHA) regulations **from the Code of Federal Regulations are adopted by reference in these rules:**

(a) **29 C.F.R. §1910.1201 "Retention of DOT markings, placards and labels" July 19, 1994.**

(b) **29 C.F.R. §1926.61 "Retention of DOT markings, placards and labels" June 20, 1996.**

(c) **29 C.F.R. §1928.21 "Applicability of Standards in 29 CFR Part 1910" March 7, 1996.**

~~on retention of United States department of transportation markings, placards, and labels which have been promulgated by the United States department of labor and codified 29 C.F.R. §1910.1201 and 29 C.F.R. §1926.61, which were published in the Federal Register on June 20, 1996, and 29 C.F.R. §1928.21 and which was published in the Federal Register on March 7, 1996, are adopted by reference in these rules as of the effective date of these rules.~~

(2) The adopted federal regulations shall have the same force and effect as a rule promulgated under 1974 PA 154, MCL 408.1001 to 408.1094.

(3) ~~The adopted federal regulations are available without cost as of the time of adoption of these rules from the United States Department of Labor, OSHA, 315 West Allegan, Room 315, Lansing, Michigan 48933, or from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909-8143, or via the internet at website [www.osha.gov](http://www.osha.gov).~~

R 325.77004 Availability of adopted rules.

Rule 4. (1) The standards adopted in these rules are available from the United States Department of Labor, Occupational Safety and Health Administration website: [www.osha.gov](http://www.osha.gov), at no charge, as of the time of adoption of these rules.

(2) The standards adopted in these rules are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.

**(3) The standards adopted in these rules may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.**

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**PROPOSED ADMINISTRATIVE RULES**

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**DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES LICENSING AND  
REGULATORY AFFAIRS**

**BUREAU OF SAFETY AND REGULATION DIRECTOR'S OFFICE**

**Occupational health STANDARDS COMMISSION  
~~EMPLOYEE MEDICAL RECORDS AND TRADE SECRETS~~**

Proposed Draft September 9, 2013

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the **director of the department of licensing and regulatory affairs by sections 14 and 24 of 1974 PA 154, MCL 408.4014 and MCL 408.4024, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030**) ~~occupational health standards commission by section 24 of Act No. 154 of the Public Acts of 1974, as amended, being S408.1024 of the Michigan Compiled Laws)~~

R 325.3452, R 325.3453, R 325.3457, R 325.3466, R 325.3472, R 325.3472a, and R 325.3475 of the Michigan Administrative Code are amended, and R 325.3451a is added, and R 325.3476 is rescinded, to read as follows:

**PART 470. EMPLOYEE MEDICAL RECORDS AND TRADE SECRETS**

**R 325.3451a Referenced standard and appendices.**

**Rule 1a. (1) The Occupational Health Standard Part 430 “Hazard Communication,” R 325.77001 to R 325.77003, is referenced in this standard. Up to 5 copies of this standard may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909-8143, or via the internet at: [www.michigan.gov/mioshastandards](http://www.michigan.gov/mioshastandards). For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.**

**(2) The standard referenced in subrule (1) of this rule is also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143.**

**(3) Copies of the standard referenced in subrule (1) of this rule may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.**



**(4) The information contained in the appendices to these rules is informational and is not intended, by itself, to create any additional obligations not otherwise imposed by these rules, nor to detract from any existing obligations.**

R 325.3452 Definitions; A to E.

Rule 2. As used in these rules:

(a) "Access" means the right and opportunity to examine and copy.

(b) "Act" means **the Michigan occupational safety and health act (MIOSHA), 1974 PA 154, MCL 408.1001 to 408.1094.** ~~Act No. 154 of the Public Acts of 1974, as amended, being 408.1001 et seq. of the Michigan Compiled Laws.~~

(c) "Analysis using exposure or medical records" means any compilation of data or any research, statistical, or other study based, at least in part, on information collected from individual employee exposure or medical records or information collected from health insurance claim records, if either the analysis has been reported to an employer or no further work is currently being done by the person who is responsible for preparing the analysis.

(d) "Department" means the department of **licensing and regulatory affairs.** ~~consumer and industry services.~~

(e) "Designated representative" means an individual or organization to whom or to which an employee gives written authorization to exercise a right of access. For purposes of access to employee exposure records and analyses using exposure or medical records, a recognized or certified collective bargaining agent shall be treated automatically as a designated representative.

(f) "Director" means the director of the department.

(g) "Employee" means a current employee, a former employee, or an employee who is being assigned or transferred to work where there will be exposure to toxic substances or harmful physical agents. In the case of a deceased or legally incapacitated employee, the employee's legal representative may directly exercise all of the employee's rights under these rules.

(h) "Employee exposure record" means a record that contains any of the following kinds of information concerning employee exposure to toxic substances or harmful physical agents:

(i) Workplace environmental monitoring or measuring, including personal, area, grab, wipe, or other forms of sampling, and related collection and analytical methodologies, calculations, and other background data relevant to the interpretation of the results obtained.

(ii) Biological monitoring results that directly assess the absorption of a substance or agent by body systems, such as the level of a chemical in the blood, urine, breath, hair, or fingernails, but not including results that assess the biological effect of a substance or agent or which assess an employee's use of alcohol or drugs.

(iii) Material safety data sheets **or safety data sheets** indicating that the material may pose a hazard to human health.

(iv) In the absence of the information identified in **subdivision (h)(i) to (iii) of this rule,** ~~paragraphs (i) to (iii) of this subdivision,~~ any other record, such as chemical, common, or trade name, that reveals the identity of a toxic substance or harmful physical agent.

(i) "Employee medical record" means a record concerning any medical tests, examinations, or health status of an employee that is made or maintained by a physician, nurse, technician, or other health care personnel, including the items listed in **subdivision (i)(i) to (vi) of this rule,** ~~paragraphs (i) to (vi) of this subdivision,~~ but does not include the items listed in **subdivision (i)(vii) to (x) of this rule;** ~~paragraphs (vii) to (x) of this subdivision.~~

(i) Medical and employment questionnaires or histories, including job descriptions and occupational exposures.



- (ii) The results of preplacement, periodic, or episodic medical examinations and laboratory tests, including x-ray examinations and all biological monitoring.
- (iii) Medical opinions, diagnoses, progress notes, and recommendations.
- (iv) Descriptions of treatments and prescriptions, including first aid records.
- (v) Employee medical complaints.
- (vi) Death certificates.
- (vii) Physical specimens, such as blood or urine samples, which are routinely discarded as a part of normal medical practice and which are not required to be maintained by other legal requirements.
- (viii) Records concerning health insurance claims which are maintained separately from an employer's medical program and its records and which are not accessible to the employer by employee name or other direct personal identifier, such as a social security number or payroll number.
- (ix) Records concerning voluntary employee assistance programs, such as alcohol, drug abuse, or personal counseling programs, if maintained separately from an employer's medical program and its records.
- (x) Records which are created solely in preparation for litigation and which are privileged from discovery under the applicable rules of procedure or evidence.
- (j) "Employer" means a current employer, a former employer, or a successor employer.
- (k) "Exposure" or "exposed" means subjection of an employee to a toxic substance or harmful physical agent in the course of employment through any route of entry, including inhalation, ingestion, skin contact, or absorption, and includes past and potential exposure. "Exposure" or "exposed" does not include situations where an employer can demonstrate that a toxic substance or harmful physical agent is not used, handled, stored, generated, or present in the workplace in any manner different from typical non-occupational situations.
- (l) "Health professional" means any of the following persons who provide medical or other occupational health services to exposed employees:
  - (i) A physician.
  - (ii) A nurse.
  - (iii) An industrial hygienist.
  - (iv) A toxicologist.
  - (v) An epidemiologist.

R 325.3453 Definitions; R to T.

Rule 3. As used in these rules:

- (a) "Record" means an item, a collection, or a grouping of information, regardless of the form or process by which it is maintained, including paper documents, microfilm, microfiche, x-ray film, or automated data processing.
- (b) "Specific chemical identity" means the chemical name, chemical abstract service (CAS) registry number, or any other information that reveals the precise chemical designation of the substance.
- (c) "Specific written consent" means a written authorization that contains all of the following information:
  - (i) The name and signature of the employee who authorized the release of medical information.
  - (ii) The date of written authorization.
  - (iii) The name of the individual or organization that is authorized to release the medical information.
  - (iv) The name of the designated representative, either an individual or an organization, that is authorized to receive the released information.
  - (v) A general description of the medical information that is authorized to be released.
  - (vi) A general description of the purpose for the release of the medical information.

(vii) A date or condition upon which the written authorization shall expire, if less than 1 year. A written authorization does not operate to authorize the release of medical information that is not in existence on the date of written authorization, unless expressly authorized, and does not operate for more than 1 year from the date of written authorization. A written authorization may be revoked, in writing, prospectively at any time.

(d) "Toxic substance or harmful physical agent" means a chemical substance, a biological agent, or physical stress, such as noise, heat, cold, vibration, repetitive motion, ionizing and nonionizing radiation, hypobaric or hyperbaric pressure, or other commonly recognized environmental stress, to which any of the following provisions apply:

(i) Is regulated by a federal or state law or rule due to a health hazard.

(ii) Is listed in the latest printed edition of the national institute for occupational safety and health (NIOSH) registry of toxic effects of chemical substances. Appendix B to these rules describes the availability of the NIOSH registry of toxic effects of chemical substances. Appendix B may be obtained pursuant to the provisions of R 325.3476.

(iii) Has yielded positive evidence of an acute or chronic health hazard in human, animal, or other biological testing that is conducted by, or known to, an employer.

(iv) Has a material safety data sheet **or safety data sheet** which is available to an employer and which indicates that the material may pose a hazard to human health.

(e) "Trade secret" means any confidential formula, pattern, process, device, or information or compilation of information that is used in an employer's business and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it.

#### R 325.3457 Preservation of employee exposure records.

Rule 7. (1) Each employee exposure record shall be preserved and maintained for not less than 30 years, except as follows:

(a) Background data that is relative to workplace environmental monitoring or measuring, such as laboratory reports and worksheets, shall be required to be retained only for 1 year if the sampling results, the collection methodology, a description of the analytical and mathematical methods used, and a summary of other background data relevant to interpretation of the results obtained are retained for not less than 30 years.

(b) Material safety data sheets, **safety data sheets**, and records that are identified in R 325.3452(h)(iv) concerning the identity of a substance or agent shall not be required for any specified period of time if some record of the identity of the substance or agent, such as the chemical name if known, where it was used, and when it was used is retained for not less than 30 years.

(c) Records may be transferred or disposed of pursuant to the provisions of R 325.3475.

(2) Biological monitoring results that are designated as exposure records by specific occupational health rules promulgated pursuant to the act shall be preserved and maintained as required by such specific rules.

**(3) Safety data sheets shall be kept for those chemicals currently in use in accordance with Occupational Health Standard Part 430 "Hazard Communication," as referenced in R 325.3451a.**

#### R 325.3466 Employee medical records; access by employee-designated representative.

Rule 16. An employer shall, upon request, assure the access of each designated representative to employee medical records of an employee who has given the designated representative specific written consent, except that death certificates shall be made available to the designated representative without specific written consent. Appendix A to these rules contains a sample form which may be used to

establish specific written consent for access to employee medical records. ~~Appendix A may be obtained pursuant to R 325.3476.~~

R 325.3472 Trade secrets; employee requests, procedures; discrimination complaints.

Rule 22. (1) Except as provided in subrule (3) of this rule, an employer may delete, from records that are requested by a health professional, employee, or designated representative, a trade secret, as defined by section 6(7) of the act, which discloses manufacturing processes or which discloses the percentage of a chemical substance in a mixture, if the employer notifies the health professional, employee, or designated representative, in writing, that the trade secret information has been deleted.

(2) If deletion of trade secret information by an employer pursuant to the provisions of subrule (1) of this rule substantially impairs the evaluation of a place where, or a time when, exposure of an employee to a toxic substance or harmful physical agent occurred, the employer shall provide alternative information that is sufficient to permit the employee or designated representative to identify where and when exposure occurred.

(3) An employer may withhold a specific chemical name and identity, **the exact percentage (concentration) of the substance in a mixture, and other specific identification** of a toxic substance from a disclosable record if all of the following provisions are satisfied:

(a) The claim that the information withheld is a trade secret can be supported pursuant to the provisions of section 14d of the act.

(b) All other available information on the properties and toxic effects of the substances is disclosed.

(c) The employer informs the requesting party that the specific chemical identity **and percentage composition are** ~~is~~ withheld as a trade secret.

(d) The specific chemical identity **and percentage composition are** ~~is~~ made available, upon request, to health professionals, employees, and designated representatives pursuant to the applicable provisions of R 325.3472a.

~~(4) If trade secret information is provided to a health professional, employee, or designated representative, an employer may require, as a condition of access to the information, that the receiving party agree, in writing, not to use the trade secret information for the purpose of commercial gain and not to permit misuse of the trade secret information by a competitor or potential competitor of the employer.~~

~~(5) An employee who is aggrieved by a determination of an employer to delete trade secret information may appeal the determination of the employer by filing a discrimination complaint pursuant to the provisions of section 65 of the act.~~

R 325.3472a Trade secrets; disclosure in medical emergency and nonemergency.

Rule 22a. (1) If a treating physician or nurse determines that a medical emergency exists and the specific chemical identity **or specific percentage of composition** of a toxic substance is necessary for emergency or first aid treatment, an employer shall immediately disclose the specific chemical identity **or percentage composition** of a trade secret chemical to the treating physician or nurse, regardless of the existence of a written statement of need or a confidentiality agreement. The employer may require a written statement of need and confidentiality agreement, pursuant to the provisions of subrules (2) and (3) of this rule, as soon as circumstances permit.

(2) In nonemergency situations, an employer shall, upon request, disclose a specific chemical identity **or percentage composition**, otherwise permitted to be withheld pursuant to the provisions of R 325.3472(4), to a health professional, employee, or designated representative if all of the following provisions are met:

(a) The request is in writing.

(b) The request describes, with reasonable detail, 1 or more of the following occupational health needs for the information:

- (i) To assess the hazards of the chemicals to which employees will be exposed.
- (ii) To conduct or assess sampling of the workplace atmosphere to determine employee exposure levels.
- (iii) To conduct preassignment or periodic medical surveillance of exposed employees.
- (iv) To provide medical treatment to exposed employees.
- (v) To select or assess appropriate personal protective equipment for exposed employees.
- (vi) To design or assess engineering controls or other protective measures for exposed employees.
- (vii) To conduct studies to determine the health effects of exposure.

(c) The request explains, in detail, why the disclosure of the specific chemical identity **or percentage composition** is essential and why the disclosure of the following information would not enable the health professional, employee, or designated representative to provide the occupational health services described in **subrule (2)(b) of this rule: ~~subdivision (b) of this subrule:~~**

- (i) The properties and effects of the chemical.
- (ii) Measures for controlling workers' exposure to the chemical.
- (iii) Methods of monitoring and analyzing worker exposure to the chemical.
- (iv) Methods of diagnosing and treating harmful exposures to the chemical.
- (d) The request includes a description of the procedures to be used to maintain the confidentiality of the disclosed information.

(e) The health professional, employee, or designated representative and the employer or contractor of the services of the health professional or designated representative agree, in a written confidentiality agreement, that the health professional, employee, or designated representative will not use the trade secret information for any purpose other than the health need asserted and agree not to release the information under any circumstances other than to the department, as provided in subrule (7) of this rule, except as authorized by the terms of the agreement or by the employer.

(3) The confidentiality agreement that is authorized by subrule (2) of this rule may do either of the following:

- (a) Restrict the use of the information to the health purposes indicated in the written statement of need.
- (b) Provide for appropriate legal remedies for a breach of the agreement, including stipulation of a reasonable estimate of likely damages. The agreement shall not include requirements for the posting of a penalty bond.

(4) Nothing in these rules is meant to preclude the parties from pursuing non-contractual remedies to the extent permitted by law.

(5) If the health professional, employee, or designated representative who receives the trade secret information decides that there is a need to disclose it to the department, then the employer who provided the information shall be informed by the health professional before, or at the same time as, the disclosure.

(6) If an employer denies a written request for disclosure of a specific chemical identity **or percentage composition**, then the denial shall be in compliance with all of the following provisions:

- (a) Be provided to the health professional, employee, or designated representative within 30 days of the request.
- (b) Be in writing.
- (c) Include evidence to support the claim that the specific chemical identity **or percentage composition** is a trade secret according to the provisions of section 14d of the act.
- (d) State the specific reasons why the request is being denied.

(e) Explain in detail how alternative information may satisfy the specific medical or occupational health need without revealing the specific chemical identity **or percentage composition**.

(7) The health professional, employee, or designated representative whose request for information is denied pursuant to the provisions of subrule (2) of this rule, may refer the request and the written denial of the request to the department for consideration.

(8) If a health professional, employee, or designated representative refers a denial to the department pursuant to ~~the provisions of~~ subrule (2) of this rule, the department shall consider the evidence to determine which of the following are true:

(a) The employer has supported the claim that the specific chemical identity **or percentage composition** is a trade secret.

(b) The health professional, employee, or designated representative has supported the claim that there is a medical or occupational health need for the information.

(c) The health professional, employee, or designated representative has demonstrated adequate means to maintain confidentiality.

(9) With regard to an investigation, both of the following provisions apply:

(a) If the department determines that the specific chemical identity **or percentage composition** requested pursuant to the provisions of subrule (2) of this rule is not a bona fide trade secret, or that it is a trade secret, but the requesting health professional, employee, or designated representatives has a legitimate medical or occupational health need for the information, has executed a written confidentiality agreement, and has shown adequate means for complying with the terms of such agreement, then the employer will be subject to citation by the department.

(b) If an employer demonstrates to the department that the execution of a confidentiality agreement would not provide sufficient protection against the potential harm from the authorized disclosure of a trade secret specific chemical identity **or percentage composition**, then the department may issue such orders or impose such additional limitations or conditions upon the disclosure of the requested chemical information as may be appropriate to assure that the occupational health needs are met without an undue risk of harm to the employer.

(10) Notwithstanding the existence of a trade secret claim, an employer shall, upon request, disclose to the director any information that these rules require the employer to make available. If there is a trade secret claim, the claim shall be made not later than at the time the information is provided to the director so that suitable determinations of trade secret status can be made and the necessary protections can be implemented.

(11) Nothing in these rules shall be construed as requiring, under any circumstances, the disclosure of process or percentage of mixture information that is a trade secret.

#### R 325.3475 Transfer of records.

Rule 25. (1) If an employer ceases to do business, the employer shall transfer all records subject to these rules to a successor employer. The successor employer shall receive and maintain the records.

(2) If an employer ceases to do business and there is no successor employer to receive and maintain the records subject to these rules, the employer shall notify affected employees of their right of access to the records not less than 3 months prior to the cessation of the employer's business.

~~(3) If an employer either ceases to do business and there is no successor employer to receive and maintain the records or intends to dispose of any records required to be preserved for not less than 30 years, the employer shall do either of the following:~~

~~(a) Transfer the records to the director, upon request of the director. Prior to transfer of records, the employer shall notify the current affected employees in writing.~~

~~(b) Notify the director and the current affected employees, in writing, of the impending disposal of the records not less than 3 months prior to the disposal of the records.~~

~~(4) If an employer regularly disposes of records required to be preserved for not less than 30 years, the employer may, with not less than 3 months notice, notify the director on an annual basis of the records intended to be disposed of in the coming year.~~

**R 325.3476 Rescinded.** ~~Rules and appendices; obligations; availability; permission to reproduce.~~

~~Rule 26. (1) The information contained in the appendices to these rules is informational and is not intended, by itself, to create any additional obligations not otherwise imposed by these rules, nor to detract from any existing obligations.~~

~~(2) Copies of these rules and appendix A and appendix B are available to affected employers and employees at no cost from the Michigan Department of Consumer and Industry Services, MIOSHA Standards Division, P. O. Box 30643, Lansing, Michigan 48909.~~

~~(3) Permission to reproduce any of these documents in full is granted by the director.~~

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**CORRECTION OF OBVIOUS  
ERRORS IN PUBLICATION**

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*MCL 24.256(1) states in part:*

*“Sec. 56. (1) The Office of Regulatory Reform shall perform the editorial work for the Michigan register and the Michigan Administrative Code and its annual supplement. The classification, arrangement, numbering, and indexing of rules shall be under the ownership and control of the Office of Regulatory Reform, shall be uniform, and shall conform as nearly as practicable to the classification, arrangement, numbering, and indexing of the compiled laws. The Office of Regulatory Reform may correct in the publications obvious errors in rules when requested by the promulgating agency to do so...”*

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**CORRECTION OF OBVIOUS  
ERRORS IN PUBLICATION**

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August 15, 2013

Ms. Deidre O'Berry  
Office of Regulatory Reinvention  
Department of Licensing and Regulatory Affairs  
George W. Romney Building, 4th Floor  
111 South Capitol Avenue  
Lansing, Michigan 48933

Dear Ms. O'Berry:

SUBJECT: Request for Correction of the Michigan Administrative Code

The Department of Licensing and Regulatory Affairs (LARA), as the promulgating agency, is writing to request that the Office of Regulatory Reinvention exercise its discretion to correct obvious errors in the Michigan Administrative Code (MAC), pursuant to Section 56(1), MCL 24.256, of the Administrative Procedures Act, 1969 PA 306, as amended.

Errors are contained in 2010-045 HS Licensing Rules for Child Care Centers. The rules become effective on January 2, 2014.

The certified version of the rules filed with the Office of the Great Seal contained obvious errors, corrections are highlighted in bold print below, as follows:

R 400.8113(10)(d) School-age program directors shall meet 1 of the following qualifications: Valid Michigan school-age/youth development credential with 12 semester hours and **960** hours of experience.

R 400.8113(10)(e) School-age program directors shall meet 1 of the following qualifications: Valid child development credential with 12 semester hours and **960** hours of experience.

The previous rule set and the version of these rules that were provided for the public hearings for 400.8113(10)(d) and (e) required 480 hours of experience not 960 hours of experience. A change that was made as a result of public hearing comments was to list 400.8113(10)(a) – (g) in a chart format. The hours of experience for 400.8113(10)(d) and (e) must have entered incorrectly when it was converted. R 400.8113(10)(d) and (e) should indicate 480 hours of experience not 960.

Please note the corrections in both the Michigan Register and the Michigan Administrative Code.

Sincerely,

Regulatory Affairs Officer



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**OTHER OFFICIAL INFORMATION**

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*MCL 24.208 states in part:*

*Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

*\* \* \**

*(i) Other official information considered necessary or appropriate by the office of regulatory reinvention.*

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**OTHER OFFICIAL INFORMATION**

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September 10, 2013

Deidre O'Berry  
Office of Regulatory Reinvention  
611 W. Ottawa – 2nd Floor  
Lansing, MI 48909

RE: 2013-044 NR Wholesale Fish Dealers Report Forms #9165, R 308.1

Dear Ms. O'Berry:

The Department of Natural Resources is withdrawing the Request For Rulemaking (RFR) for 2013-044 NR and requests corrections to the Administrative Code be made, pursuant to the Administrative Procedures Act, Section 31(2), MCL 24.231 and, Section 56(1), MCL 24.256.

The subject rule was promulgated under authority of 1955 PA 218, sections 308.201-308.205. Section 90104 of the Natural Resources and Environmental Protection Act (NREPA), MCL 324.90104, repealed 1955 PA 218 and authority to promulgate rules for wholesale fish dealer forms is not included in current law.

Request the following administrative rule be rescinded, effective immediately:

- Wholesale Fish Dealers Report Forms #9165, R 308.1

If you have any questions, please contact me at 335-4058.

Sincerely,

Sharon Hanshue  
Regulatory Affairs Officer  
Department of Natural Resources

cc: Gary Hagler, DNR  
Trevor VanDyke, DNR

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**MICHIGAN ADMINISTRATIVE CODE TABLE**  
**(2013 SESSION)**

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*MCL 24.208 states in part:*

*“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\*       \*       \*

*(i) Other official information considered necessary or appropriate by the Office of Regulatory Reform.”*

*The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).*

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**MICHIGAN ADMINISTRATIVE CODE TABLE**  
**(2013 RULE FILINGS)**

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R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
29.2901	A	5	123.1	*	10	123.66	R	10
29.2902	A	5	123.4	*	10	123.67	R	10
29.2903	A	5	123.21	*	10	123.68	R	10
29.2904	A	5	123.22	*	10	123.69	R	10
29.2905	A	5	123.23	*	10	123.71	R	10
29.2906	A	5	123.24	*	10	123.72	R	10
29.2907	A	5	123.43	*	10	123.73	R	10
29.2908	A	5	123.44	*	10	123.74	R	10
29.2909	A	5	123.51	*	10	123.75	R	10
29.2910	A	5	123.52	*	10	205.5	R	8
29.2911	A	5	123.53	*	10	205.9	R	8
29.2912	A	5	123.54	*	10	205.23	R	8
29.2913	A	5	123.55	*	10	205.1	*	8
29.2914	A	5	123.61	*	10	205.8	*	8
29.2915	A	5	123.62	*	10	205.15	*	8
29.2916	A	5	123.63	*	10	205.16	*	8
29.2917	A	5	123.64	*	10	205.20	*	8
29.2918	A	5	123.65	*	10	205.22	*	8
29.2919	A	5	123.20	A	10	205.26	*	8
29.2920	A	5	123.30	A	10	205.28	*	8
29.2921	A	5	123.31	A	10	205.136	*	8
29.2922	A	5	123.32	A	10	205.1101	R	6
29.2923	A	5	123.33	A	10	205.1111	R	6
29.2924	A	5	123.34	A	10	205.1115	R	6
29.2925	A	5	123.35	A	10	205.1120	R	6
29.2926	A	5	123.36	A	10	205.1125	R	6
54.201	*	12	123.37	A	10	205.1130	R	6
54.202	*	12	123.38	A	10	205.1135	R	6
54.203	*	12	123.40	A	10	205.1140	R	6
54.204	*	12	123.56	A	10	205.1145	R	6
54.205	*	12	123.6	R	10	205.1150	R	6
54.206	*	12	123.25	R	10	205.1155	R	6
54.207	*	12	123.26	R	10	205.1201	R	6
54.208	*	12	123.27	R	10	205.1202	R	6
54.209	*	12	123.41	R	10	205.1205	R	6
54.210	*	12	123.42	R	10	205.1208	R	6
54.211	A	12	123.45	R	10	205.1210	R	6
54.212	A	12	123.46	R	10	205.1215	R	6
54.213	A	12	123.47	R	10	205.1220	R	6

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
205.1222	R	6	205.1345	R	6	299.5403	R	2
205.1225	R	6	205.1348	R	6	299.5405	R	2
205.1228	R	6	209.1	*	5	299.5407	R	2
205.1230	R	6	209.31	*	5	299.5409	R	2
205.1235	R	6	257.1604	A	11	299.5411	R	2
205.1240	R	6	257.16910	*	11	299.5413	R	2
205.1245	R	6	281.663.1	R	11	299.5415	R	2
205.1247	R	6	281.1201	*	11	299.5530	R	2
205.1249	R	6	281.1204	*	11	299.5532	R	2
205.1250	R	6	281.1206	*	11	299.5534	R	2
205.1252	R	6	281.1208	*	11	299.5536	R	2
205.1255	R	6	285.138.1	R	5	299.5538	R	2
205.1257	R	6	285.502.1	R	10	299.5540	R	2
205.1260	R	6	287.710	R	17	299.5732	R	2
205.1264	R	6	299.3301	R	2	299.5742	R	2
205.1270	R	6	299.3302	R	2	299.5901	R	2
205.1275	R	6	299.3303	R	2	299.5903	R	2
205.1278	R	6	299.3304	R	2	299.5905	R	2
205.1280	R	6	299.3305	R	2	299.5907	R	2
205.1281	R	6	299.3306	R	2	299.5909	R	2
205.1283	R	6	299.3307	R	2	299.5911	R	2
205.1285	R	6	299.3308	R	2	299.5913	R	2
205.1288	R	6	299.3309	R	2	299.5915	R	2
205.1290	R	6	299.3310	R	2	299.5917	R	2
205.1301	R	6	299.3311	R	2	299.5919	R	2
205.1303	R	6	299.3312	R	2	323.3001	R	16
205.1305	R	6	299.3313	R	2	323.3002	R	16
205.1307	R	6	299.3314	R	2	323.3003	R	16
205.1312	R	6	299.3315	R	2	323.3004	R	16
205.1313	R	6	299.3316	R	2	323.3005	R	16
205.1315	R	6	299.3317	R	2	323.3006	R	16
205.1317	R	6	299.3318	R	2	323.3007	R	16
205.1320	R	6	299.3319	R	2	323.3008	R	16
205.1330	R	6	299.5105	R	2	323.3009	R	16
205.1332	R	6	299.5107	R	2	323.3010	R	16
205.1333	R	6	299.5109	R	2	323.3011	R	16
205.1335	R	6	299.5111	R	2	323.3012	R	16
205.1340	R	6	299.5113	R	2	323.3013	R	16
205.1342	R	6	299.5117	R	2	323.3014	R	16
			299.5401	R	2			

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
323.3015	R	16	325.5626	A	8	325.5621	R	8
323.3016	R	16	325.5627	A	8	325.5622	R	8
323.3017	R	16	325.5628	A	8	325.5623	R	8
323.3018	R	16	325.5629	A	8	325.5624	R	8
323.3019	R	16	325.5630	A	8	325.5625	R	8
323.3020	R	16	325.5634	A	8	325.5631	R	8
323.3021	R	16	325.5635	A	8	325.5632	R	8
323.3022	R	16	325.5357	A	8	325.5633	R	8
323.3023	R	16	325.5658	A	8	325.5638	R	8
323.3024	R	16	325.5667	A	8	325.5639	R	8
323.3025	R	16	325.5668	A	8	325.5640	R	8
323.3026	R	16	325.5674	A	8	325.5641	R	8
323.3027	R	16	325.5675	A	8	325.5642	R	8
324.1501	R	2	325.5676	A	8	325.5643	R	8
324.1502	R	2	325.5677	A	8	325.5644	R	8
324.1503	R	2	325.5678	A	8	325.5645	R	8
324.1504	R	2	325.5679	A	8	325.5646	R	8
324.1505	R	2	325.5680	A	8	325.5647	R	8
324.1506	R	2	325.5681	A	8	325.5648	R	8
324.1507	R	2	325.5682	A	8	325.5649	R	8
324.1508	R	2	325.5683	A	8	325.5650	R	8
324.1509	R	2	325.5684	A	8	325.5651	R	8
324.1509a	R	2	325.5685	A	8	325.5652	R	8
324.1510	R	2	325.5686	A	8	325.5659	R	8
324.1511	R	2	325.5687	A	8	325.5660	R	8
325.5601	*	8	325.5688	A	8	325.5661	R	8
325.5602	*	8	325.5689	A	8	325.5662	R	8
325.5603	*	8	325.5690	A	8	325.5663	R	8
325.5605	*	8	325.5691	A	8	325.5664	R	8
325.5607	*	8	325.5692	A	8	325.5665	R	8
325.5608	*	8	325.5693	A	8	325.47801	R	11
325.5610	*	8	325.5694	A	8	325.50301	*	7
325.5611	*	8	325.5695	A	8	325.50303	*	7
325.5612	*	8	325.5696	A	8	325.50304	*	7
325.5613	*	8	325.5697	A	8	325.50302	R	7
325.5637	*	8	325.5698	A	8	325.50305	R	7
325.5655	*	8	325.5617	R	8	325.50306	R	7
325.5656	*	8	325.5618	R	8	325.50307	R	7
325.5601a	A	8	325.5619	R	8	325.50308	R	7

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
325.50309	R	7	325.50348	R	7	325.60158	*	6
325.50310	R	7	325.51101	*	6	325.60159	*	6
325.50311	R	7	325.51105	*	6	325.60160	*	6
325.50312	R	7	325.51108	*	6	325.60161	*	6
325.50313	R	7	325.51101a	A	6	325.60151a	A	6
325.50314	R	7	325.51190	*	7	336.1310	*	6
325.50315	R	7	325.51143	R	7	336.1330	R	6
325.50316	R	7	325.51301	*	11	338.7	*	6
325.50317	R	7	325.51302	*	11	338.108	R	6
325.50318	R	7	325.51311	*	11	338.3201	R	5
325.50319	R	7	325.51312	*	11	338.3202	R	5
325.50320	R	7	325.51851	*	10	338.3204	R	5
325.50321	R	7	325.51852	*	10	338.3206	R	5
325.50322	R	7	325.51854	*	10	338.3208	R	5
325.50323	R	7	325.51856	*	10	338.3218	R	5
325.50324	R	7	325.51859	*	10	338.3219	R	5
325.50325	R	7	325.51860	*	10	338.3220	R	5
325.50326	R	7	325.51862	*	10	338.3221	R	5
325.50327	R	7	325.51863	*	10	338.3231	R	5
325.50328	R	7	325.51865	*	10	338.3232	R	5
325.50329	R	7	325.51866	*	10	338.3233	R	5
325.50330	R	7	325.51867	*	10	338.3234	R	5
325.50331	R	7	325.51868	*	10	338.3235	R	5
325.50332	R	7	325.51869	*	10	338.3236	R	5
325.50333	R	7	325.51873	*	10	338.3238	R	5
325.50334	R	7	325.51874	*	10	338.3239	R	5
325.50335	R	7	325.51879	*	10	338.3241	R	5
325.50336	R	7	325.51880	*	10	338.3242	R	5
325.50337	R	7	325.51881	*	10	338.3243	R	5
325.50338	R	7	325.51883	*	10	338.3251	R	5
325.50339	R	7	325.51851a	A	10	338.3252	R	5
325.50340	R	7	325.51878a	A	10	338.3253	R	5
325.50341	R	7	325.51885	R	10	338.3254	R	5
325.50342	R	7	325.51886	R	10	338.3255	A	5
325.50343	R	7	325.60151	*	6	338.3256	A	5
325.50344	R	7	325.60154	*	6	338.3257	R	5
325.50345	R	7	325.60155	*	6	338.3258	R	5
325.50346	R	7	325.60156	*	6	338.3259	R	5
325.50347	R	7	325.60157	*	6	338.3261	R	5

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
338.3262	R	5	338.3464	R	5	339.22501	R	5
338.3263	R	5	338.3465	R	5	339.22503	R	5
338.3264	R	5	338.3466	R	5	339.22505	R	5
338.3265	R	5	338.5101	*	12	339.22507	R	5
338.3266	R	5	338.5102	*	12	339.22509	R	5
338.3267	R	5	338.5104	*	12	339.22511	R	5
338.3268	R	5	338.5110	*	12	339.22513	R	5
338.3269	R	5	338.5110a	*	12	339.22515	R	5
338.3270	R	5	338.5111	*	12	339.22517	R	5
338.3281	R	5	338.5112	*	12	339.22519	R	5
338.3282	R	5	338.5115	*	12	339.22521	R	5
338.3283	R	5	338.5140	*	12	339.22523	R	5
338.3284	R	5	338.5210	*	12	339.22525	R	5
338.3291	R	5	338.5217	*	12	339.22527	R	5
338.3292	R	5	338.5218	*	12	339.22529	R	5
338.3295	R	5	338.5230	*	12	339.23101	*	5
338.3301	R	5	338.5240	*	12	339.23102	*	5
338.3302	R	5	338.5255	*	12	340.1121	*	6
338.3303	R	5	338.5401	*	12	340.1122	*	6
338.3304	R	5	338.5405	*	12	340.1123	R	6
338.3307	R	5	338.5435	*	12	340.1124	R	6
338.3311	R	5	338.5460	*	12	390.67100	R	9
338.3312	R	5	338.5465	*	12	400.400	R	6
338.3313	R	5	338.5475	*	12	400.410	R	6
338.3314	R	5	338.5501	*	12	400.411	R	6
338.3317	R	5	338.5503	*	12	400.5101	R	13
338.3321	R	5	338.5116	A	12	400.5102	R	13
338.3324	R	5	338.5117	A	12	400.5102a	R	13
338.3327	R	5	338.5139	A	12	400.5103	R	13
338.3331	R	5	338.5103	R	12	400.5103a	R	13
338.3332	R	5	338.5105	R	12	400.5104	R	13
338.3335	R	5	338.5114	R	12	400.5104a	R	13
338.3341	R	5	338.5120	R	12	400.5104b	R	13
338.3345	R	5	338.5145	R	12	400.5105	R	13
338.3451	R	5	338.5260	R	12	400.5106	R	13
338.3455	R	5	338.5270	R	12	400.5107	R	13
338.3456	R	5	338.5446	R	12	400.5108	R	13
338.3461	R	5	338.5480	R	12	400.5109	R	13
338.3463	R	5	338.23030	R	6	400.5109a	R	13

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)



R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
400.5110	R	13	400.5605	R	13	400.8107	A	13
400.5111	R	13	400.5606	R	13	400.8110	A	13
400.5111a	R	13	400.5607	R	13	400.8113	A	13
400.5111b	R	13	400.5610	R	13	400.8116	A	13
400.5113a	R	13	400.5611	R	13	400.8119	A	13
400.5113b	R	13	400.5613	R	13	400.8122	A	13
400.5113c	R	13	400.5615	R	13	400.8125	A	13
400.5114	R	13	400.5801	R	13	400.8128	A	13
400.5115	R	13	400.5805	R	13	400.8131	A	13
400.5116	R	13	400.5810	R	13	400.8134	A	13
400.5117	R	13	400.5815	R	13	400.8137	A	13
400.5118	R	13	400.5820	R	13	400.8140	A	13
400.5201a	R	13	400.5825	R	13	400.8143	A	13
400.5201b	R	13	400.5835	R	13	400.8146	A	13
400.5202a	R	13	400.5840	R	13	400.8149	A	13
400.5204	R	13	400.5841	R	13	400.8152	A	13
400.5204a	R	13	400.5845	R	13	400.8155	A	13
400.5205	R	13	400.5850	R	13	400.8158	A	13
400.5205a	R	13	400.5856	R	13	400.8161	A	13
400.5205b	R	13	400.5865	R	13	400.8164	A	13
400.5206	R	13	400.5870	R	13	400.8167	A	13
400.5209	R	13	400.5900a	R	13	400.8170	A	13
400.5301	R	13	400.5901	R	13	400.8173	A	13
400.5302	R	13	400.5902	R	13	400.8176	A	13
400.5303	R	13	400.5902a	R	13	400.8179	A	13
400.5303a	R	13	400.5902b	R	13	400.8182	A	13
400.5305	R	13	400.5902c	R	13	400.8185	A	13
400.5306	R	13	400.5902d	R	13	400.8188	A	13
400.5307	R	13	400.5903	R	13	400.8191	A	13
400.5501	R	13	400.5905	R	13	400.8301	A	13
400.5502	R	13	400.5910	R	13	400.8305	A	13
400.5502a	R	13	400.5915	R	13	400.8310	A	13
400.5502b	R	13	400.5920	R	13	400.8315	A	13
400.5502c	R	13	400.5925	R	13	400.8320	A	13
400.5601	R	13	400.5930	R	13	400.8325	A	13
400.5602	R	13	400.5935	R	13	400.8330	A	13
400.5603	R	13	400.5940	R	13	400.8335	A	13
400.5604	R	13	400.8101	A	13	400.8340	A	13
400.5604	R	13	400.8104	A	13	400.8345	A	13

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
400.8350	A	13	408.10413	R	1	408.11844	*	10
400.8355	A	13	408.10421	*	1	408.11851	*	10
400.8360	A	13	408.10509	*	1	408.11859	*	10
400.8365	A	13	408.10541	*	1	408.11913	*	16
400.8370	A	13	408.10570	*	1	408.11921	*	16
400.8375	A	13	408.10579	*	1	408.11937	*	16
400.8380	A	13	408.10580	*	1	408.11957	*	16
400.8385	A	13	408.10582	*	1	408.11902	A	16
400.8501	A	13	408.10590	*	1	408.12111	*	10
400.8505	A	13	408.10761	R	1	408.12151	*	10
400.8510	A	13	408.10763	R	1	408.12155	*	10
400.8515	A	13	408.10765	*	1	408.12163	*	10
400.8520	A	13	408.10801	*	1	408.12216	*	7
400.8525	A	13	408.10807	*	1	408.12217	*	7
400.8530	A	13	408.10823	*	1	408.12218	*	7
400.8535	A	13	408.10914	*	1	408.12220	*	7
400.8540	A	13	408.10925	*	1	408.12242	*	7
400.8545	A	13	408.10999	*	1	408.12202	A	7
400.8550	A	13	408.11119	R	10	408.12231	R	7
400.8555	A	13	408.11121	R	10	408.13811	*	7
400.8560	A	13	408.11203	*	11	408.13812	*	7
400.8565	A	13	408.11211	*	11	408.13822	*	7
400.8701	A	13	408.11213	*	11	408.13847	*	7
400.8710	A	13	408.11221	*	11	408.13865	*	7
400.8720	A	13	408.11222	*	11	408.13871	*	7
400.8730	A	13	408.11224	*	11	408.13881	*	7
400.8740	A	13	408.11241	*	11	408.13802	A	7
400.8750	A	13	408.11243	*	11	408.14246	*	6
400.8760	A	13	408.11262	*	11	408.14263	*	6
400.8770	A	13	408.11275	*	11	408.14267	*	6
400.8801	A	13	408.11293	*	11	408.14269	*	6
400.8810	A	13	408.11294	*	11	408.14273	*	6
400.8820	A	13	408.11202	A	11	408.14231	R	6
400.8830	A	13	408.11432	*	6	408.14451	*	8
400.8840	A	13	408.11431	R	6	408.14476	*	8
408.43b	*	9	408.11434	R	6	408.14507	*	10
408.43i	*	9	408.11724	*	6	408.14521	*	10
408.48	*	5	408.11725	*	6	408.14555	*	10
408.59	*	5	408.11807	*	10	408.14535	R	10

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
408.15712	*	8	408.17412	*	8	408.30808	*	10
408.15713	*	8	408.17415	*	8	408.30810	*	10
408.15717	*	8	408.17421	*	8	408.30811	*	10
408.15721	*	8	408.17422	*	8	408.30812	*	10
408.15723	*	8	408.17423	*	8	408.30815	*	10
408.15725	*	8	408.17424	*	8	408.30817	*	10
408.15726	*	8	408.17426	*	8	408.30818	*	10
408.15739	*	8	408.17431	*	8	408.30819	*	10
408.15802	*	8	408.17432	*	8	408.30822	*	10
408.15810	*	8	408.17433	*	8	408.30823	*	10
408.15815	*	8	408.17434	*	8	408.30826	*	10
408.15821	*	8	408.17435	*	8	408.30827	*	10
408.15831	*	8	408.17436	*	8	408.30835	*	10
408.15833	*	8	408.17437	*	8	408.30838	*	10
408.16211	*	10	408.17451	*	8	408.30865	*	10
408.16222	*	10	408.17461	*	8	408.30869	*	10
408.16227	*	10	408.17463	*	8	408.30870	*	10
408.16236	*	10	408.17421	*	11	408.30871	*	10
408.16217	R	10	408.17461	*	11	408.30873	*	10
408.16511	*	6	408.30001	*	6	408.30872	R	10
408.16528	*	6	408.30002	A	6	408.30880	R	10
408.17125	R	6	408.30007	*	6	408.30901a	*	10
408.17211	*	10	408.30013	*	6	408.30906a	*	10
408.17212	*	10	408.30016	*	6	408.30910a	*	10
408.17213	*	10	408.30019	*	6	408.30912a	*	10
408.17222	*	10	408.30022	*	6	408.30915a	*	10
408.17225	*	10	408.30025	*	6	408.30918a	*	10
408.17236	*	10	408.30028	*	6	408.30923a	*	10
408.17251	*	10	408.30031	*	6	408.30927a	*	10
408.17227	R	10	408.30034	*	6	408.30928a	*	10
408.17303	*	8	408.30037	*	6	408.30935a	*	10
408.17310	*	8	408.30040	*	6	408.30945a	*	10
408.17315	*	8	408.30043	*	6	408.30946	*	10
408.17318	*	8	408.30046	*	6	408.30947	*	10
408.17320	*	8	408.30049	*	6	408.30948	*	10
408.17403	*	8	408.30052	*	6	408.30995a	*	10
408.17404	*	8	408.30055	*	6	408.30947a	A	10
408.17405	*	8	408.30801	*	10	408.30948a	A	10
408.17411	*	8	408.30806	*	10	408.30996	A	10

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
408.40102	*	6	408.40714	R	6	408.41221	*	7
408.40114	*	6	408.40729	R	6	408.41222	*	7
408.40116	*	6	408.40742	R	6	408.41224	*	7
408.40119	*	6	408.40810	*	7	408.41225	*	7
408.40121	*	6	408.40818	*	7	408.41226	*	7
408.40122	*	6	408.40819	*	7	408.41227	*	7
408.40127	*	6	408.40820	*	7	408.41231	*	7
408.40128	*	6	408.40821	*	7	408.41232	*	7
408.40130	*	6	408.40822	*	7	408.41233	*	7
408.40131	*	6	408.40831	*	7	408.41234	*	7
408.40132	*	6	408.40833	*	7	408.41235	*	7
408.40133	*	6	408.40834	*	7	408.41236	*	7
408.40134	*	6	408.40836	*	7	408.41237	*	7
408.40133	R	6	408.40837	*	7	408.41243	*	7
408.40125	R	6	408.40840	*	7	408.41245	*	7
408.40126	R	6	408.40841	*	7	408.41253	*	7
408.40617	*	6	408.40932	*	6	408.41254	*	7
408.40621	*	6	408.40933	*	6	408.41255	*	7
408.40622	*	6	408.40941	*	6	408.41256	*	7
408.40623	*	6	408.40851	*	6	408.41261	*	7
408.40624	*	6	408.40946	R	6	408.41264	*	7
408.40625	*	6	408.40952	R	6	408.41228	R	7
408.40626	*	6	408.41111	*	7	408.41244	R	7
408.40631	*	6	408.41122	*	7	408.41246	R	7
408.40634	*	6	408.41123	*	7	408.41262	R	7
408.40635	*	6	408.41124	*	7	408.41263	R	7
408.40627	R	6	408.41126	*	7	408.41410	*	8
408.40632	R	6	408.41132	*	7	408.41462	*	8
408.40641	R	6	408.41133	*	7	408.41464	*	8
408.40709	*	6	408.41140	*	7	408.41465	*	8
408.40711	*	6	408.41102	R	7	408.41466	*	8
408.40712	*	6	408.41115	R	7	408.41467	*	8
408.40721	*	6	408.41125	R	7	408.41472	*	8
408.40722	*	6	408.41130	R	7	408.41475	*	8
408.40743	*	6	408.41131	R	7	408.41476	*	8
408.40744	*	6	408.41210	*	7	408.41477	*	8
408.40746	*	6	408.41211	*	7	408.41478	*	8
408.40751	*	6	408.41215	*	7	408.41482	*	8
408.40761	*	6	408.41217	*	7	408.41075a	A	8

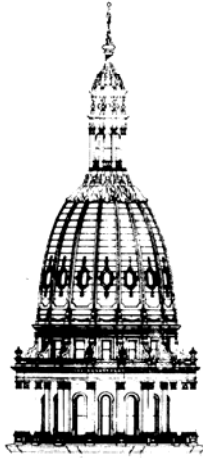
(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
408.41077a	A	8	408.42034	*	6	408.42535	R	1
408.41468	R	8	408.42041	*	6	408.42602	*	1
408.41610	*	1	408.42043	*	6	408.42644	*	1
408.41627	*	1	408.42045	*	6	408.42732	*	7
408.41633	*	1	408.42046	*	6	408.42733	*	7
408.41658	*	1	408.42047	*	6	408.42741	*	7
408.41719	*	1	408.42131	R	1	408.42743	*	7
408.41725	*	1	408.42145	R	1	408.42755	*	7
408.41728	*	1	408.42149	*	1	408.42759	*	7
408.41802	*	7	408.42156	*	1	408.42799	*	7
408.41841	*	7	408.42157	*	1	408.42756	R	7
408.41852	*	7	408.42159	*	1	408.43101	R	7
408.41872	*	7	408.42160	R	1	408.43103	R	7
408.41884	*	7	408.42209	*	8	408.43104	R	7
408.41842	R	7	408.42213	*	8	408.43105	R	7
408.41850	R	7	408.42223	*	8	408.43106	R	7
408.41932	*	7	408.42225	*	8	408.43107	R	7
408.41934	*	7	408.42238	*	8	408.43109	R	7
408.41935	*	7	408.42402	*	1	408.43111	R	7
408.41943	*	7	408.42403	*	1	408.43112	R	7
408.41945	*	7	408.42404	*	1	408.43113	R	7
408.41949	*	7	408.42405	*	1	408.43114	R	7
408.41952	*	7	408.42406	*	1	408.43121	R	7
408.41953	*	7	408.42407	*	1	408.43122	R	7
408.41954	*	7	408.42502	*	1	408.43123	R	7
408.41957	*	7	408.42503	*	1	408.43124	R	7
408.41959	*	7	408.42518	*	1	408.43125	R	7
408.41964	*	7	408.42520	*	1	408.43126	R	7
408.41977	*	7	408.42521	*	1	408.43127	R	7
408.41980	*	7	408.42522	*	1	408.43131	R	7
408.41902	A	7	408.42524	*	1	408.43132	R	7
408.41931	R	7	408.42525	*	1	408.43133	R	7
408.41956	R	7	408.42526	*	1	408.43134	R	7
408.41970	R	7	408.42527	*	1	408.43141	R	7
408.41971	R	7	408.42528	*	1	408.43142	R	7
408.41974	R	7	408.42531	*	1	408.43145	R	7
408.41975	R	7	408.42532	*	1	408.43146	R	7
408.41979	R	7	408.42533	*	1	408.43151	R	7
408.42031	*	6	408.42534	R	1	408.43152	R	7

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
408.43153	R	7	491.135	R	3	792.10211	A	6
408.43154	R	7	491.140	R	3	792.10213	A	6
408.43155	R	7	491.145	R	3	792.10215	A	6
408.43156	R	7	491.150	R	3	792.10217	A	6
408.43157	R	7	491.155	R	3	792.10219	A	6
408.43158	R	7	491.160	R	3	792.10221	A	6
408.43161	R	7	491.165	R	3	792.10223	A	6
408.43162	R	7	491.170	R	3	792.10225	A	6
408.43204a	*	8	491.175	R	3	792.10227	A	6
408.43207	*	8	491.180	R	3	792.10229	A	6
408.43212	*	8	491.185	R	3	792.10231	A	6
432.2	*	10	491.190	R	3	792.10233	A	6
432.6	*	10	491.195	R	3	792.10237	A	6
436.1335	R	5	491.197	R	3	792.10239	A	6
484.71	*	6	550.402	A	6	792.10241	A	6
484.72	*	6	550.403	A	6	792.10243	A	6
484.73	*	6	550.404	A	6	792.10245	A	6
484.74	*	6	554.701	*	9	792.10247	A	6
484.75	*	6	554.723	*	9	792.10249	A	6
484.81	*	8	554.731	*	9	792.10251	A	6
484.82	*	8	554.733	*	9	792.10253	A	6
484.83	*	8	554.734	*	9	792.10255	A	6
484.84	*	8	554.736	*	9	792.10257	A	6
484.85	*	8	554.737	*	9	792.10259	A	6
484.86	*	8	554.741	*	9	792.10261	A	6
484.87	*	8	554.742	*	9	792.10263	A	6
484.88	*	8	554.743	*	9	792.10265	A	6
484.89	*	8	554.744	*	9	792.10267	A	6
484.90	*	8	554.746	*	9	792.10269	A	6
490.113	R	11	554.721	R	9	792.10271	A	6
490.114	R	11	554.722	R	9	792.10273	A	6
490.117	R	11	554.747	R	9	792.10275	A	6
490.118	R	11	554.750	A	9	792.10277	A	6
491.101	R	3	554.751	A	9	792.10279	A	6
491.110	R	3	792.10201	A	6	792.10281	A	6
491.115	R	3	792.10203	A	6	792.10283	A	6
491.120	R	3	792.10205	A	6	792.10285	A	6
491.125	R	3	792.10207	A	6	792.10287	A	6
491.130	R	3	792.10209	A	6	792.10289	A	6

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)



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**ADMINISTRATIVE RULES  
ENROLLED SENATE AND HOUSE BILLS  
SIGNED INTO LAW OR VETOED  
(2013 SESSION)**

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*Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”*

*Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”*

*MCL 24.208 states in part:*

*“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\* \* \*

*(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.*

*(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”*

# 2013 Michigan Public Acts Table

Legislative Service Bureau  
Legal Division, Statutory Compiling and Law Publications Unit  
124 W. Allegan, Lansing, MI 48909

July 23, 2013  
Through PA 106 of 2013

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
1	4153		Yes	3/12	3/12	3/12/13	<b>Sales tax</b> ; collections; retroactive effective date for regulations on prepaid sales tax on gasoline; provide for. (Rep. M. Shirkey)
2		044	Yes	3/12	3/12	6/1/13	<b>Criminal procedure</b> ; sex offender registration; placement on the public registry; remove certain exceptions. (Sen. R. Jones)
3		060	Yes	3/12	3/12	3/12/13	<b>Weapons</b> ; licensing; definition of federally licensed firearms dealer; modify. (Sen. M. Green)
4		061	Yes	3/18	3/18	3/18/13 #	<b>Insurance</b> ; health care corporations; merger of health care corporation with a nonprofit mutual disability insurer; allow, and provide procedures, prescribe requirements on rating and certain contract provisions, and establish requirements for a health endowment fund corporation. (Sen. J. Hune)
5		062	Yes	3/18	3/18	3/18/13 #	<b>Insurance</b> ; health; regulations applicable to nonprofit mutual disability insurer; revise to accommodate merger with nonprofit health care corporation and prescribe requirements on rating and certain contract provisions. (Sen. V. Smith)
6		0234	Yes	3/20	3/20	3/20/13 #	<b>Vehicles</b> ; fund-raising registration plates; fund-raising plate for ducks unlimited; provide for. (Sen. R. Richardville)
7	4337		Yes	3/20	3/20	3/20/13 #	<b>Vehicles</b> ; fund-raising registration plates; distribution of proceeds from sales of ducks unlimited fund-raising plates; provide for. (Rep. D. Zorn)
8		048	Yes	3/26	3/26	3/26/13	<b>Animals</b> ; other; exemption from large carnivore act for certain businesses; expand to exempt businesses that allow patrons to come into contact with bears less than 36 weeks of age or bears that weigh 90 pounds or less and make other general revisions. (Sen. T. Casperson)

\* - I.E. means Legislature voted to give the Act immediate effect.

\*\* - Act takes effect on the 91st day after sine die adjournment of the Legislature.

\*\*\* - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

# - Tie bar.

## 2013 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
9		0233	Yes	3/27	3/27	3/27/13	<b>Appropriations; supplemental</b> ; various state departments and agencies; provide appropriations. ( <i>Sen. D. Booher</i> )
10		0252	Yes	3/27	3/27	3/27/13	<b>Watercraft; marinas</b> ; marina dredging loan origination program; establish. ( <i>Sen. J. Brandenburg</i> )
11	4398		Yes	3/27	3/27	3/27/13	<b>Watercraft; marinas</b> ; dredging material from Great Lakes bottomlands determined to be largely sand; revise permit fee. ( <i>Rep. A. Price</i> )
12	4399		Yes	3/27	3/27	3/27/13	<b>Natural resources; Great Lakes</b> ; expedited conditional permit process; allow for emergencies. ( <i>Rep. A. Pscholka</i> )
13	4400		Yes	3/27	3/27	3/27/13	<b>Watercraft; marinas</b> ; dredging material from inland lakes and streams determined to be largely sand; revise fee. ( <i>Rep. P. Pettalia</i> )
14		019	Yes	4/16	4/16	4/16/13	<b>Financial institutions; mortgage brokers and lenders</b> ; appointments to the mortgage industry advisory board; modify. ( <i>Sen. D. Booher</i> )
15		065	Yes	4/16	4/16	4/16/13	<b>Individual income tax; collections</b> ; withholding requirement for certain members of a flow-through entity; clarify. ( <i>Sen. J. Brandenburg</i> )
16	4052		Yes	4/23	4/23	4/23/13 #	<b>Trade; vehicles</b> ; motor vehicle sales finance act; expand to include certain nonmotorized recreational vehicles. ( <i>Rep. K. Kurtz</i> )
17	4053		Yes	4/23	4/23	4/23/13 #	<b>Trade; vehicles</b> ; application of retail installment sales act; exclude certain nonmotorized recreational vehicles. ( <i>Rep. K. Kurtz</i> )
18	4045		Yes	4/23	4/23	4/23/13	<b>Occupations; electricians</b> ; eligible apprenticeship training programs; revise requirements for fire alarm specialty technicians. ( <i>Rep. H. Crawford</i> )

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## 2013 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
19	4123		Yes	4/23	4/23	7/1/13	<b>Torts; liability;</b> personal injury or property damage caused by propane gas equipment or appliances; provide protection from liability. <b>(Rep. R. Victory)</b>
20		0108	Yes	5/7	5/7	5/7/13	<b>Highways; name;</b> portion of I-94 in Kalamazoo county; designate as the "Officer Eric Zapata Memorial Highway". <b>(Sen. T. Schuitmaker)</b>
21		0288	Yes	5/8	5/8	5/8/13	<b>Natural resources; hunting;</b> natural resources commission ability to designate species as game; provide for. <b>(Sen. T. Casperson)</b>
22		0289	Yes	5/8	5/8	5/8/13	<b>Natural resources; hunting;</b> right to hunt and fish; provide for. <b>(Sen. T. Casperson)</b>
23	4093		Yes	5/9	5/9	5/9/13 #	<b>Crimes; intoxication or impairment;</b> alcohol content for individuals operating a vehicle under the influence of alcoholic liquor; maintain at 0.08 without reversion to 0.10. <b>(Rep. A. LaFontaine)</b>
24	4131		Yes	5/9	5/9	5/9/13 #	<b>Criminal procedure; sentencing guidelines;</b> alcohol content for individuals operating a motor vehicle under the influence of alcoholic liquor in the code of criminal procedure; maintain at 0.08 without reversion to 0.10. <b>(Rep. K. Kesto)</b>
25		0218	Yes	5/9	5/10	8/9/13	<b>Economic development; tax increment financing;</b> sunset on water resource improvement tax increment finance authority; remove, and allow dredging. <b>(Sen. G. Hansen)</b>
26		0123	Yes	5/9	5/10	5/10/13	<b>State financing and management; funds;</b> funding for purchase of land and development of certain convention facilities; provide for. <b>(Sen. D. Hildenbrand)</b>
27	4037		No	5/14	5/14	5/1/14	<b>Traffic control; driver license;</b> designation of veteran status on driver license; provide for, and allow secretary of state to report certain veteran information to certain other departments and agencies. <b>(Rep. N. Jenkins)</b>
28		0219	No	5/14	5/14	5/1/14	<b>State; identification cards;</b> veteran designation on state identification cards; allow. <b>(Sen. D. Booher)</b>

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	HB	SB					
29	4471		Yes	5/16	5/16	5/16/13	<b>Education; calendar</b> ; exception to minimum days of pupil instruction requirement for inclement weather days; allow for 2012-2013 if minimum hours requirement is met. (Rep. P. Potvin)
30		0178	No	5/14	5/16	**	<b>Insurance; health</b> ; standard prior authorization methodology for prescription drugs; create a workgroup to establish and require insurers and prescribers to use after a specific date. (Sen. T. Schuitmaker)
31		0179	No	5/14	5/16	** #	<b>Insurance; health care corporations</b> ; standard prior authorization methodology for prescription drugs; create a workgroup to establish and require corporations and prescribers to use after a specific date. (Sen. T. Schuitmaker)
32	4054		Yes	5/14	5/16	5/16/13	<b>Family law; other</b> ; definition of eligible domestic relations order; modify. (Rep. K. Heise)
33		043	Yes	5/20	5/20	5/20/13	<b>Courts; judges</b> ; certain district court judgeships; increase, and reduce number of circuit court judgeships. (Sen. R. Jones)
34	4264		Yes	5/21	5/21	5/21/13	<b>Criminal procedure; sentencing</b> ; consecutive sentencing for financial exploitation of vulnerable adult; allow under certain circumstances. (Rep. T. Leonard)
35		097	Yes	5/21	5/21	8/20/13	<b>Traffic control; civil infraction procedures</b> ; waiver of fine for violating certain infant seat requirements; allow. (Sen. J. Proos)
36	4254		Yes	5/21	5/21	5/21/13	<b>Vehicles; registration</b> ; electric carriage; exempt from definition of motor vehicle and define "use a hand-held mobile telephone". (Rep. J. Walsh)
37		016	Yes	5/28	5/28	5/28/13	<b>Natural resources; wildlife</b> ; wildlife violator compact law; modify enforcement provisions. (Sen. H. Walker)
38	4050		Yes	6/4	6/4	6/4/13	<b>Children; protection</b> ; children's ombudsman to investigate victims of child abuse or neglect; expand criteria to include children who have died as a result of child abuse or neglect. (Rep. K. Kurtz)

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	HB	SB					
39	4177		Yes	6/4	6/4	6/4/13	<b>Crimes; homicide</b> ; reference to vulnerable adult abuse in first degree murder statute; revise. (Rep. J. Ananich)
40	4705		Yes	6/4	6/4	6/4/13	<b>Property tax; state education tax</b> ; reimbursement of certain levied millage revenues; allow. (Rep. E. McBroom)
41	4042		Yes	6/5	6/5	6/5/13	<b>Human services; food assistance</b> ; criteria for the issuance of Michigan bridge cards; modify. (Rep. T. Kelly)
42		051	Yes	6/6	6/6	6/6/13	<b>Property tax; classification</b> ; qualified forest property tax program; modify. (Sen. D. Booher)
43		054	Yes	6/5	6/6	6/6/13	<b>Property tax; classification</b> ; allocation of qualified forest property recapture tax; modify. (Sen. T. Casperson)
44		055	Yes	6/5	6/6	6/6/13	<b>Property tax; exemptions</b> ; definition of qualified agricultural property; revise. (Sen. M. Green)
45		056	Yes	6/5	6/6	6/6/13	<b>Natural resources; forests</b> ; private forest management; provide oversight from the department of agriculture and rural development and provide for conservation district assistance to owners of forestland. (Sen. D. Booher)
46		057	Yes	6/5	6/6	6/6/13	<b>Agriculture; other</b> ; Michigan agriculture environmental assurance program; expand to include lands not utilized for traditional or production agriculture such as forest management. (Sen. A. Meekhof)
47		058	Yes	6/5	6/6	6/6/13	<b>Natural resources; forests</b> ; promotion of forestry and the development of the forest products industry in the state; provide for. (Sen. J. Moolenaar)
48	4069		Yes	6/5	6/6	6/6/13	<b>Natural resources; forests</b> ; classification of forestland as commercial forest; clarify requirements for inclusion and withdrawal of forestland. (Rep. F. Foster)

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## 2013 Michigan Public Acts Table

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	HB	SB					
49	4243		Yes	6/5	6/6	6/6/13	<b>Property tax; other;</b> qualified forest property recapture tax; revise. (Rep. E. McBroom)
50	4244		Yes	6/5	6/6	6/6/13	<b>Property tax; classification;</b> qualified forest property; revise exemption. (Rep. B. Rendon)
51	4171		Yes	6/11	6/11	6/11/13 #	<b>Elections; canvassing;</b> elimination of local boards of canvassers and amendment of process to balance precinct results; provide for, and clarify allocation of costs to conduct village elections. (Rep. B. Jacobsen)
52	4169		Yes	6/11	6/11	6/11/13 #	<b>Elections; canvassing;</b> reference in general law village act to board of village canvassers and board of township canvassers; revise to board of county canvassers. (Rep. D. Pagel)
53	4170		Yes	6/11	6/11	6/11/13 #	<b>Elections; canvassing;</b> reference in community college act of 1966 to board of city or township canvassers; eliminate. (Rep. K. Cotter)
54	4127		Yes	6/11	6/11	6/11/13	<b>Criminal procedure; probation;</b> GPS bail monitoring of certain offenders; allow. (Rep. J. Johnson)
55	4360		Yes	6/11	6/11	9/10/13	<b>Liquor; licenses;</b> penalties for certain unauthorized transactions for food assistance or family independence program benefits; provide for. (Rep. G. Haines)
56	4361		Yes	6/11	6/11	9/10/13	<b>Gaming; lottery;</b> lottery sales agent; provide for penalties for fraudulent activity related to food assistance benefits. (Rep. R. Victory)
57		0165	Yes	6/11	6/11	9/10/13	<b>Health facilities; hospitals;</b> policy regarding life-sustaining or nonbeneficial treatment; require policy be disclosed in writing upon request and provide to parent or guardian if it applies to a minor or ward. (Sen. J. Marleau)
58		0335	Yes	6/11	6/11	6/11/13	<b>Insurance; health;</b> health insurance claims assessment; extend the sunset. (Sen. R. Kahn)

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## 2013 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
59	4328		Yes	6/13	6/13	6/13/13 +	<b>Appropriations; other;</b> omnibus budget bill for fiscal year 2013-2014; provide for. (Rep. J. Haveman)
60	4228		Yes	6/13	6/13	6/13/13	<b>Appropriations; school aid;</b> fiscal year 2013-2014 omnibus appropriations for school aid, higher education, and community colleges; provide for. (Rep. B. Rogers)
61	4458		Yes	6/16	6/18	6/18/13	<b>Economic development; tax increment financing;</b> capture of increased tax revenue levied under certain tax millages; prohibit. (Rep. E. Kowall)
62	4461		Yes	6/16	6/18	6/18/13	<b>Economic development; local development financing authority;</b> capture of increased tax revenue levied under certain millages; prohibit. (Rep. H. Haugh)
63	4463		Yes	6/16	6/18	6/18/13	<b>Economic development; other;</b> capture of increased tax revenue levied under certain millages; prohibit. (Rep. J. Walsh)
64	4464		Yes	6/16	6/18	6/18/13	<b>Economic development; other;</b> capture of increased tax revenue levied under certain millages; prohibit. (Rep. G. Haines)
65	4743		Yes	6/19	6/19	6/19/13	<b>Fireworks; use;</b> local control of consumer fireworks use; expand, and amend certain licensing requirements. (Rep. H. Haugh)
66	4459		Yes	6/19	6/19	6/19/13	<b>Economic development; downtown development authorities;</b> capture of increased tax revenue levied for certain millages; prohibit. (Rep. J. Townsend)
67	4460		Yes	6/19	6/19	6/19/13	<b>Economic development; brownfield redevelopment authority;</b> capture of increased tax revenue levied under certain millages; prohibit. (Rep. P. Cavanagh)
68	4462		Yes	6/19	6/19	6/19/13	<b>Economic development; corridor improvement;</b> capture of increased tax revenue levied under certain millages; prohibit. (Rep. J. Farrington)

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	HB	SB					
69	4591		Yes	6/25	6/25	6/25/13	<b>Occupations; alarm systems;</b> installation of certain home monitoring systems without electrician's permit; authorize for registered or licensed security alarm providers. (Rep. A. Nesbitt)
70	4737		Yes	6/25	6/25	6/25/13	<b>Construction; permits;</b> installation, maintenance, replacement, or servicing of a home monitoring system; exempt from construction code permit requirements. (Rep. A. Nesbitt)
71	4592		Yes	6/25	6/25	6/25/13	<b>Occupations; mechanical contractors;</b> installation of certain home thermostats under Forbes mechanical contractors act; authorize for security alarm system providers. (Rep. B. Jacobsen)
72	4665		Yes	6/25	6/25	6/25/13	<b>Environmental protection; solid waste;</b> solid waste surcharge program; extend sunset. (Rep. E. Kowall)
73	4666		Yes	6/25	6/25	10/1/13	<b>Environmental protection; hazardous waste;</b> sunset for certain user charges; extend, and consolidate funds. (Rep. E. Kowall)
74	4708		Yes	6/25	6/25	10/1/13	<b>Environmental protection; hazardous waste;</b> hazardous materials transportation permit fund; replace with environmental pollution prevention fund. (Rep. E. Kowall)
75	4669		Yes	6/25	6/25	6/25/13	<b>Vehicles; off-road;</b> license fee for off-road vehicles; revise. (Rep. J. Bumstead)
76		0256	Yes	6/25	6/25	6/25/13	<b>Economic development; other;</b> Michigan supply chain management development commission revisions; provide for. (Sen. M. Kowall)
77	4303		Yes	6/27	6/27	9/26/13	<b>Occupations; mortuary science;</b> courtesy licenses for licensees from certain other states; authorize for certain purposes. (Rep. K. Kurtz)
78	4329		Yes	6/27	6/27	9/26/13 #	<b>Occupations; licensing fees;</b> fees for courtesy mortuary science licenses; establish. (Rep. K. Kurtz)

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	HB	SB					
79	4330		Yes	6/27	6/27	9/26/13 #	<b>Occupations; mortuary science;</b> authorization of death record by funeral director who holds a courtesy license; allow. (Rep. K. Kurtz)
80	4574		Yes	6/27	6/27	9/26/13	<b>Occupations; mortuary science;</b> assignment or assumption of prepaid funeral contracts by purchaser of a licensed funeral establishment; require. (Rep. K. Kurtz)
81	4297		No	6/27	6/28	5/1/14 #	<b>Recreation; state parks;</b> waiver of recreation passport fees; allow for holders of multiyear vehicle registrations except when registration fee is paid. (Rep. F. Foster)
82	4439		No	6/27	6/28	5/1/14 #	<b>Vehicles; registration;</b> recreational passport fee; eliminate from registration forms for certain military specialty plates. (Rep. F. Foster)
83	4080		Yes	6/27	6/28	6/28/13	<b>Property; conveyances;</b> surplus department of corrections property in Kinross township and Camp Manistique in Schoolcraft county; provide for conveyance. (Rep. F. Foster)
84	4307		Yes	6/27	6/28	6/28/13	<b>Elections; special elections;</b> requirement for a special election when a vacancy occurs in the office of county commissioner during an odd numbered year; eliminate unless the vacancy is not filled by appointment. (Rep. L. Lyons)
85	4540		Yes	6/27	6/28	6/28/13	<b>Economic development; plant rehabilitation;</b> taxation of certain industrial facilities exemption certificates; clarify. (Rep. J. Stamas)
86	4663		Yes	6/27	6/28	6/28/13	<b>Water; conservation;</b> agricultural land uses; modify water withdrawal dispute resolution process and allowable expenditures from the agricultural preservation fund. (Rep. K. Daley)
87		0264	Yes	6/27	6/28	6/28/13	<b>Natural resources; other;</b> issuance of permits for dredging; modify procedure. (Sen. T. Casperson)
88	4082		Yes	6/28	6/28	6/28/13 #	<b>Individual income tax; other;</b> Michigan Alzheimer's association fund act; create. (Rep. M. Lori)

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	HB	SB					
89	4084		Yes	6/28	6/28	6/28/13	<b>Individual income tax; other;</b> ALS of Michigan ("Lou Gehrig's disease") fund act; create. (Rep. J. Farrington)
90		0150	Yes	6/28	6/28	6/28/13 #	<b>Individual income tax; checkoff;</b> contribution to Michigan Alzheimer's association fund; provide for check-off option. (Sen. J. Pappageorge)
91		0341	Yes	6/28	6/28	6/28/13 #	<b>Individual income tax; other;</b> Michigan Amber alert fund; create. (Sen. D. Hildenbrand)
92		0342	Yes	6/28	6/28	6/28/13	<b>Individual income tax; checkoff;</b> contributions to Michigan Amber alert fund; provide check-off option. (Sen. D. Hildenbrand)
93	4529		Yes	7/1	7/1	7/1/13	<b>Criminal procedure; defenses;</b> statewide standards and accountability measures of trial-level indigent criminal defense services; implement, and create the Michigan indigent defense commission act. (Rep. T. McMillin)
94		0301	Yes	7/1	7/1	7/1/13 #	<b>Criminal procedure; other;</b> appointment of counsel to indigent person charged with felony; modify. (Sen. B. Caswell)
95		0284	Yes	7/1	7/1	7/1/13	<b>Public utilities; other;</b> creation and funding of the low-income energy assistance fund; provide for. (Sen. M. Nofs)
96	4813		Yes	7/2	7/2	7/2/13 #	<b>Education; reorganization;</b> criteria and procedures for dissolution of a school district; revise. (Rep. B. Rogers)
97	4815		Yes	7/2	7/2	10/1/13 #	<b>School aid; other;</b> implementation of district dissolution; provide for in school aid act, and adjust appropriations for districts affected by dissolution. (Rep. B. Rogers)
98		0163	Yes	7/2	7/2	7/2/13	<b>Natural resources; wetlands;</b> permit exemptions for wetlands and inland lakes and streams; revise, modify certain permit fees, provide for certain general permits, and require more information from department justifying denial of any part 13 permits. (Sen. M. Green)

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	HB	SB					
99		0175	Yes	7/2	7/2	7/2/13	<b>Military affairs</b> ; generally, Michigan military act; modify. ( <b>Sen. J. Pappageorge</b> )
100		079	Yes	7/2	7/2	8/31/13	<b>Liquor</b> ; licenses; farmer's market permit to sell and taste wine at farmer's market; provide for. ( <b>Sen. G. Hansen</b> )
101		027	Yes	7/2	7/2	7/2/13 #	<b>Liquor</b> ; licenses; ability to refill growlers of beer and to sample and sell wine at farmer's market; provide for certain licensees. ( <b>Sen. D. Hildenbrand</b> )
102	4112		Yes	7/3	7/3	7/3/13	<b>Appropriations</b> ; zero budget; supplemental appropriations; provide for fiscal years 2012-2013 and 2013-2014. ( <b>Rep. J. Haveman</b> )
103		0380	Yes	7/3	7/3	7/3/13 #	<b>Civil procedure</b> ; foreclosure; mortgage modification program; revise. ( <b>Sen. R. Richardville</b> )
104		0383	Yes	7/3	7/3	1/10/14 #	<b>Civil procedure</b> ; foreclosure; redemption period; terminate redemption rights if property is damaged. ( <b>Sen. D. Booher</b> )
105	4765		Yes	7/3	7/3	7/3/13 #	<b>Civil procedure</b> ; foreclosure; mortgage modification program; extend sunset and phase out. ( <b>Rep. J. Farrington</b> )
106	4766		Yes	7/3	7/3	7/3/13 #	<b>Civil procedure</b> ; foreclosure; mortgage modification; require certain mortgage servicing agents to personally meet with mortgagors. ( <b>Rep. M. Callton</b> )
Veto	4085		Yes	No	6/28	6/28/13	<b>Individual income tax</b> ; checkoff; funding for ALS of Michigan ("Lou Gehrig's disease") fund; create. ( <b>Rep. T. Cochran</b> )

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